

1-30-2014

PIA

Vanessa Boyd Willard

*Trial Attorney, Indian Resources Section Environment & Natural Resources Division, US Department of Justice*

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**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE COEUR D'ALENE- )  
SPOKANE RIVER BASIN )  
WATER SYSTEM )  
CASE NO. 49576 )

**NOTICE OF CLAIM**

**Federal Reserved Water Right**

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** Hangman Creek (Fed ID # HC0a)

**4. Point of Diversion:**

Township: 44N Range: 4W Section: 29 Q: NE1/4 QQ: SW1/4

Pond Storage Location - Township: 44N Range: 4W Section: 29 Q: NW1/4  
QQ: SE1/4

**5. Place of Use:** Total Acres: 128

Township: 44N	Range: 4W	Section: 28	Q: NW1/4	QQ: SW1/4	Acres: 9.4
Township: 44N	Range: 4W	Section: 29	Q: NE1/4	QQ: SE1/4	Acres: 17.1
Township: 44N	Range: 4W	Section: 29	Q: NE1/4	QQ: SW1/4	Acres: 26.4
Township: 44N	Range: 4W	Section: 29	Q: NW1/4	QQ: NE1/4	Acres: 15.5
Township: 44N	Range: 4W	Section: 29	Q: NW1/4	QQ: NW1/4	Acres: 26.6
Township: 44N	Range: 4W	Section: 29	Q: SE1/4	QQ: NE1/4	Acres: 22.9



Township: 44N Range: 4W Section: 29 Q: SE1/4 QQ: NW1/4 Acres: 10.0

See Attached Map

**6. Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31

**8. Quantity Reserved:** Acre Feet: 455

**9. Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCM (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of

the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe.” 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d’Alene Tribe held aboriginal title to “more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d’Alene and the St. Joe River.” *Idaho II*, 533 U.S. 262, 265 (2001). “Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities.” *Id.* at 265. “A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . .” *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, *Indian Affairs: Laws and Treaties* 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d’Alene Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute’s terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d’Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d’Alene Tribe.

#### 11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do \_\_\_ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:  
Title and Organization:

  
\_\_\_\_\_  
Northwest Regional Director  
U.S. Bureau of Indian Affairs  
Page -3-

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

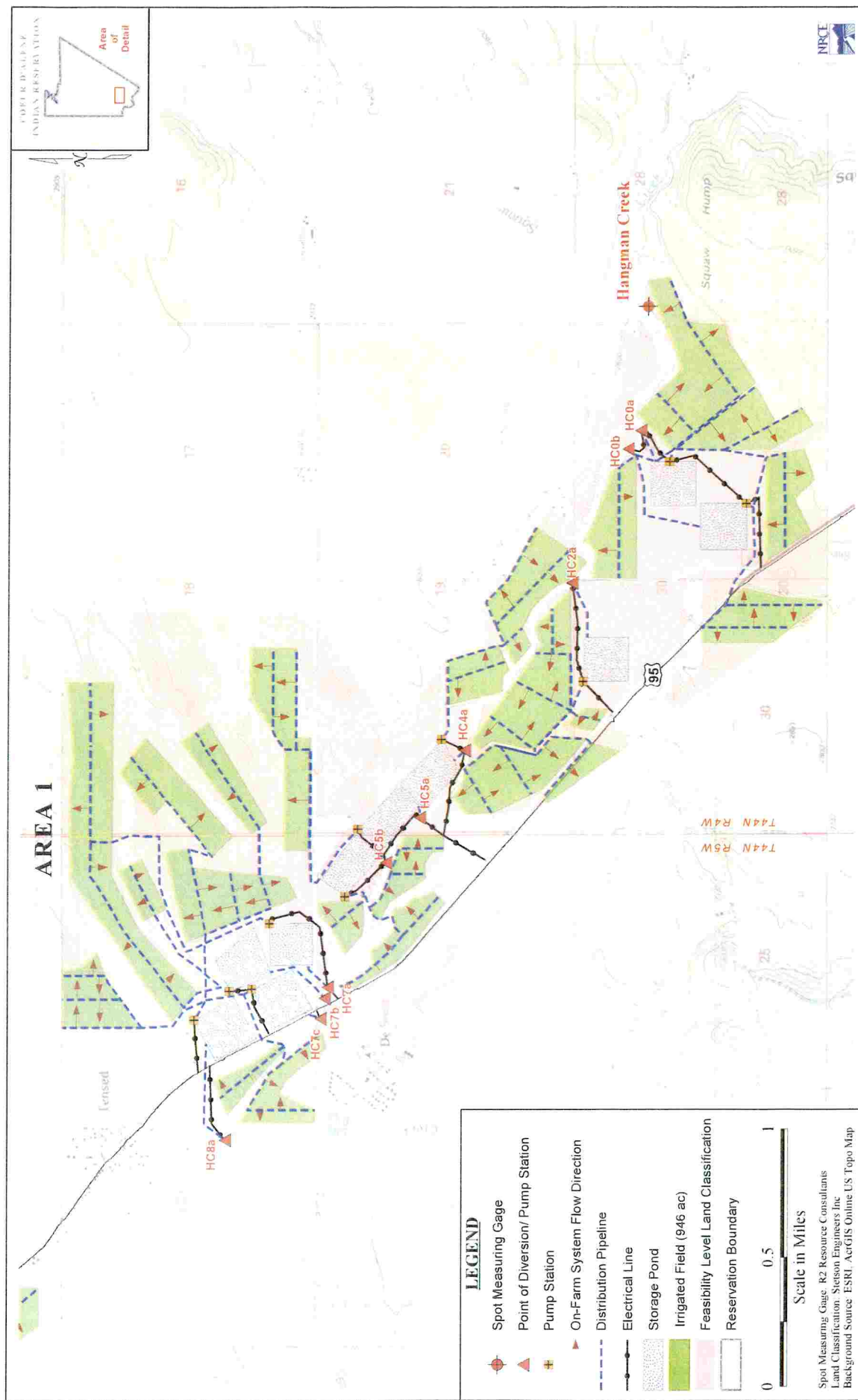


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Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )	<b>NOTICE OF CLAIM</b>
OF RIGHTS TO THE USE OF WATER )	
FROM THE COEUR D'ALENE- )	<b>Federal Reserved Water Right</b>
SPOKANE RIVER BASIN )	
WATER SYSTEM )	
) )	
CASE NO. 49576 )	

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** Hangman Creek (Fed ID # HC0b)

**4. Point of Diversion:**

Township: 44N Range: 4W Section: 29 Q: NE1/4 QQ: NW1/4

Pond Storage Location –

Township: 44N	Range: 4W	Section: 29	Q: NW1/4	QQ: SE1/4
Township: 44N	Range: 4W	Section: 29	Q: NW1/4	QQ: SW1/4
Township: 44N	Range: 4W	Section: 29	Q: SW1/4	QQ: NE1/4
Township: 44N	Range: 4W	Section: 29	Q: SW1/4	QQ: NW1/4

**5. Place of Use:** Total Acres: 118

Township: 44N	Range: 4W	Section: 29	Q: NE1/4	QQ: SW1/4	Acres: 2.6
Township: 44N	Range: 4W	Section: 29	Q: SE1/4	QQ: NW1/4	Acres: 27.3
Township: 44N	Range: 4W	Section: 29	Q: SE1/4	QQ: SW1/4	Acres: 11.0



Township: 44N	Range: 4W	Section: 29	Q: SW1/4	QQ: SE1/4	Acres: 23.5
Township: 44N	Range: 4W	Section: 29	Q: SW1/4	QQ: SW1/4	Acres: 13.2
Township: 44N	Range: 4W	Section: 30	Q: SE1/4	QQ: NE1/4	Acres: 24.9
Township: 44N	Range: 4W	Section: 30	Q: SE1/4	QQ: SE1/4	Acres: 15.5

See Attached Map

6. **Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 423

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St.

Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that “a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe.” 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d’Alene Tribe held aboriginal title to “more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d’Alene and the St. Joe River.” *Idaho II*, 533 U.S. 262, 265 (2001). “Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities.” *Id.* at 265. “A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . .” *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, *Indian Affairs: Laws and Treaties* 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d’Alene Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute’s terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d’Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d’Alene Tribe.

#### **11. Signatures:**

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do \_\_\_ do not **X** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:  
Title and Organization:

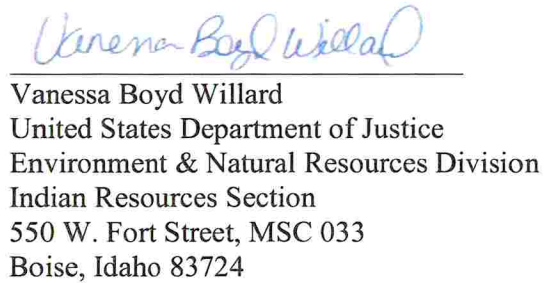


Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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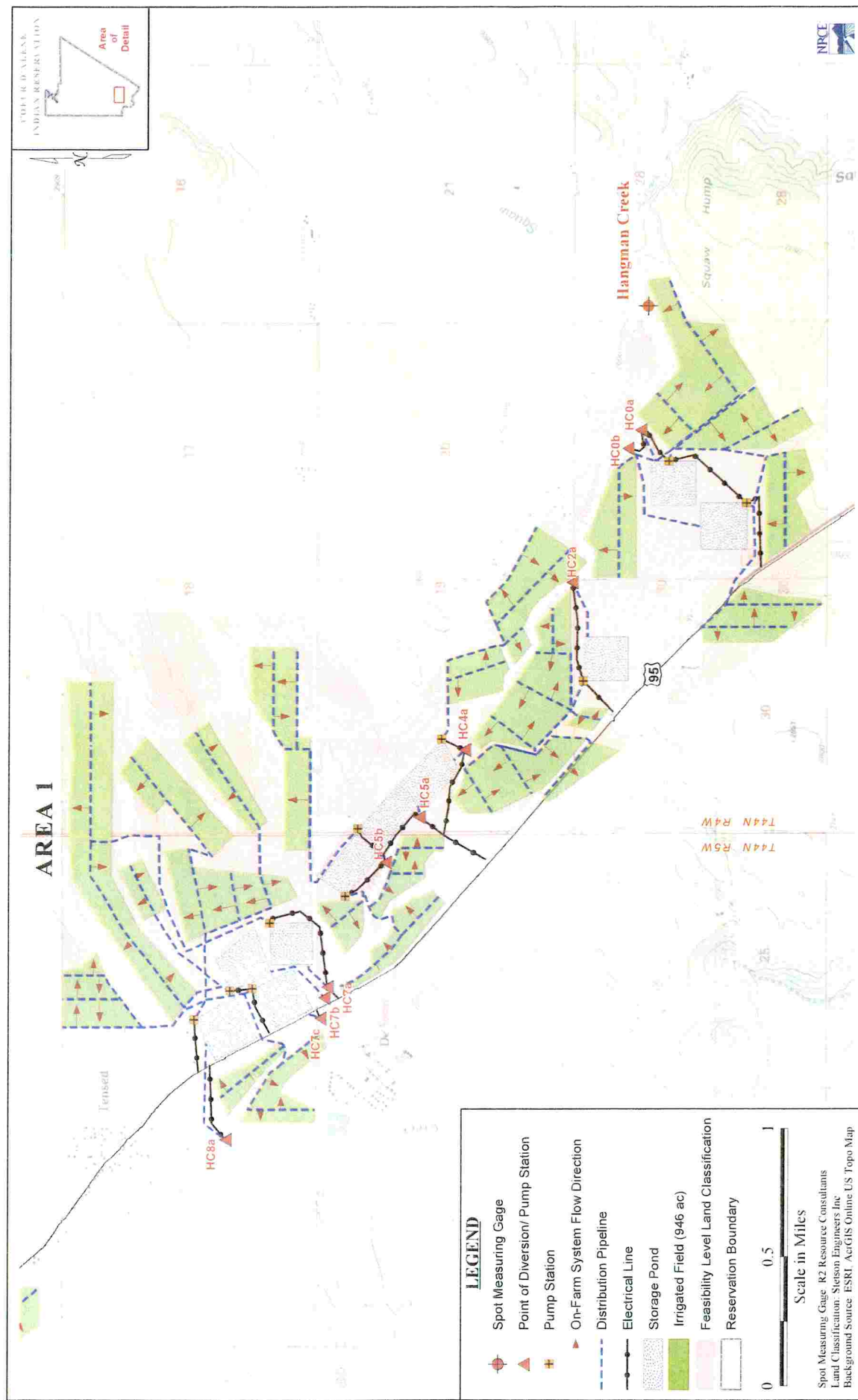


Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.





**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE COEUR D'ALENE- )  
SPOKANE RIVER BASIN )  
WATER SYSTEM )  
CASE NO. 49576 )

**NOTICE OF CLAIM**

**Federal Reserved Water Right**

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** Hangman Creek (Fed ID # HC2a)

**4. Point of Diversion:**

Township: 44N Range: 4W Section: 30 Q: NE1/4 QQ: NE1/4

Pond Storage Location –

Township: 44N Range: 4W Section: 30 Q: NE1/4 QQ: NE1/4

Township: 44N Range: 4W Section: 30 Q: NE1/4 QQ: NW1/4

**5. Place of Use:** Total Acres: 140

Township: 44N	Range: 4W	Section: 19	Q: SE1/4	QQ: NW1/4	Acres: 0.8
Township: 44N	Range: 4W	Section: 19	Q: SE1/4	QQ: SE1/4	Acres: 11.4
Township: 44N	Range: 4W	Section: 19	Q: SE1/4	QQ: SW1/4	Acres: 30.9
Township: 44N	Range: 4W	Section: 19	Q: SW1/4	QQ: NE1/4	Acres: 16.3
Township: 44N	Range: 4W	Section: 19	Q: SW1/4	QQ: SE1/4	Acres: 33.3
Township: 44N	Range: 4W	Section: 19	Q: SW1/4	QQ: L3	Acres: 18.7
Township: 44N	Range: 4W	Section: 19	Q: SW1/4	QQ: L4	Acres: 13.7
Township: 44N	Range: 4W	Section: 30	Q: NW1/4	QQ: L1	Acres: 1.3
Township: 44N	Range: 4W	Section: 30	Q: NW1/4	QQ: L5	Acres: 13.5

See Attached Map

**6. Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31

**8. Quantity Reserved:** Acre Feet: 386

**9. Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).



d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, *Indian Affairs: Laws and Treaties* 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

**11. Signatures:**

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."
- (b) I do \_\_\_ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:  
Title and Organization:

  
\_\_\_\_\_  
Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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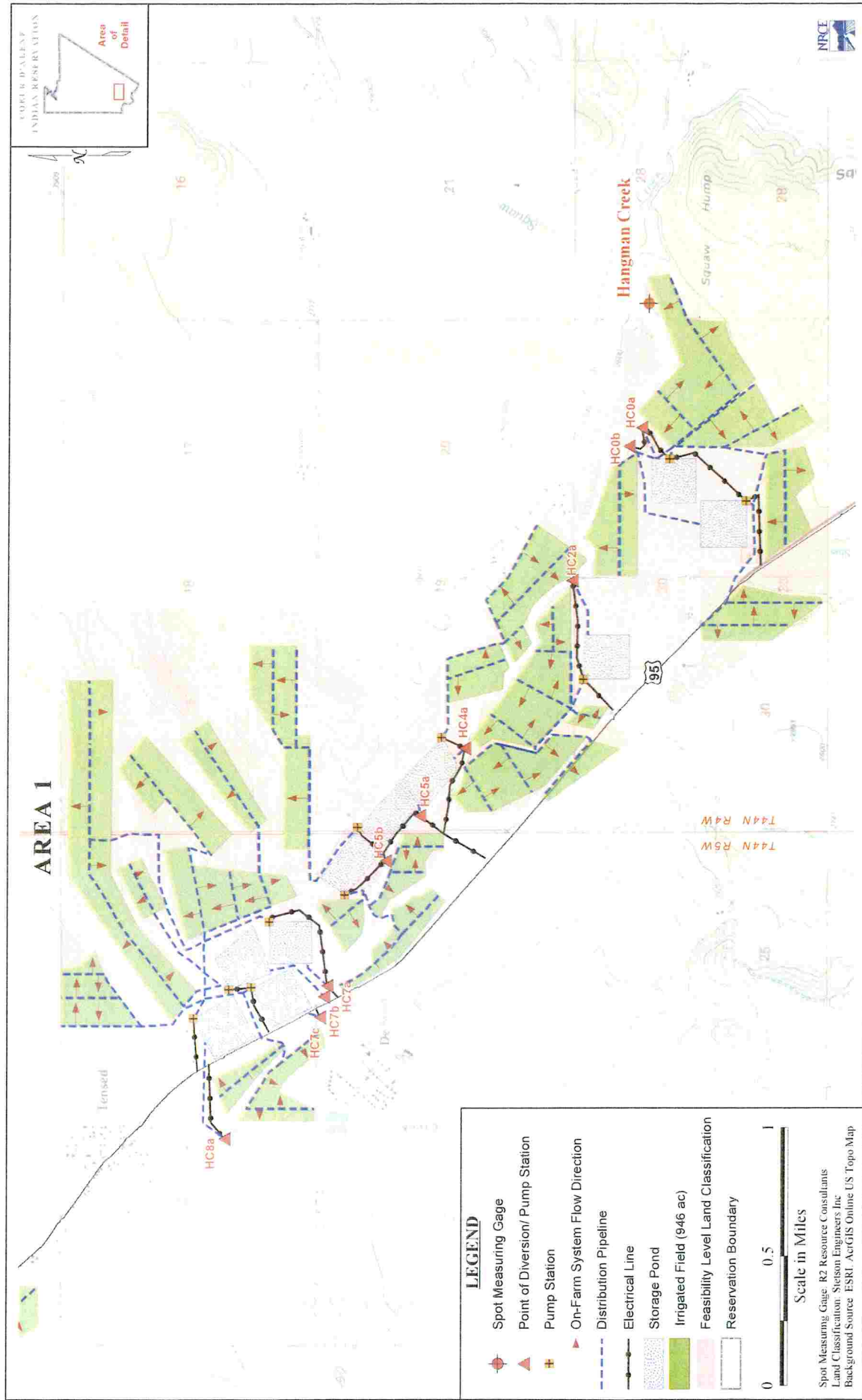


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Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION ) OF RIGHTS TO THE USE OF WATER ) FROM THE COEUR D'ALENE- ) SPOKANE RIVER BASIN ) WATER SYSTEM ) CASE NO. 49576 )	<b>NOTICE OF CLAIM</b>  <b>Federal Reserved Water Right</b>
---	---

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** Hangman Creek (Fed ID # HC4a)

**4. Point of Diversion:**

Township: 44N    Range: 4W    Section: 19    Q: SW1/4    QQ: NE1/4

Pond Storage Location –

Township: 44N    Range: 4W    Section: 19    Q: NW1/4    QQ: SE1/4

Township: 44N    Range: 4W    Section: 19    Q: NW1/4    QQ: L2

Township: 44N    Range: 4W    Section: 19    Q: SW1/4    QQ: NE1/4

Township: 44N    Range: 4W    Section: 19    Q: SW1/4    QQ: L3

**5. Place of Use:** Total Acres: 76

Township: 44N    Range: 4W    Section: 19    Q: SE1/4    QQ: NE1/4    Acres: 7.5

Township: 44N    Range: 4W    Section: 19    Q: SE1/4    QQ: NW1/4    Acres: 25.1

Township: 44N	Range: 4W	Section: 19	Q: SE1/4	QQ: SE1/4	Acres: 17.7
Township: 44N	Range: 4W	Section: 19	Q: SE1/4	QQ: SW1/4	Acres: 2.8
Township: 44N	Range: 4W	Section: 20	Q: SW1/4	QQ: SW1/4	Acres: 21.0
Township: 44N	Range: 4W	Section: 29	Q: NW1/4	QQ: NW1/4	Acres: 1.8

See Attached Map

6. **Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 284

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St.



Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that “a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe.” 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d’Alene Tribe held aboriginal title to “more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d’Alene and the St. Joe River.” *Idaho II*, 533 U.S. 262, 265 (2001). “Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities.” *Id.* at 265. “A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . .” *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, *Indian Affairs: Laws and Treaties* 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d’Alene Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute’s terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d’Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d’Alene Tribe.

#### **11. Signatures:**

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do \_\_\_ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:  
Title and Organization:




Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

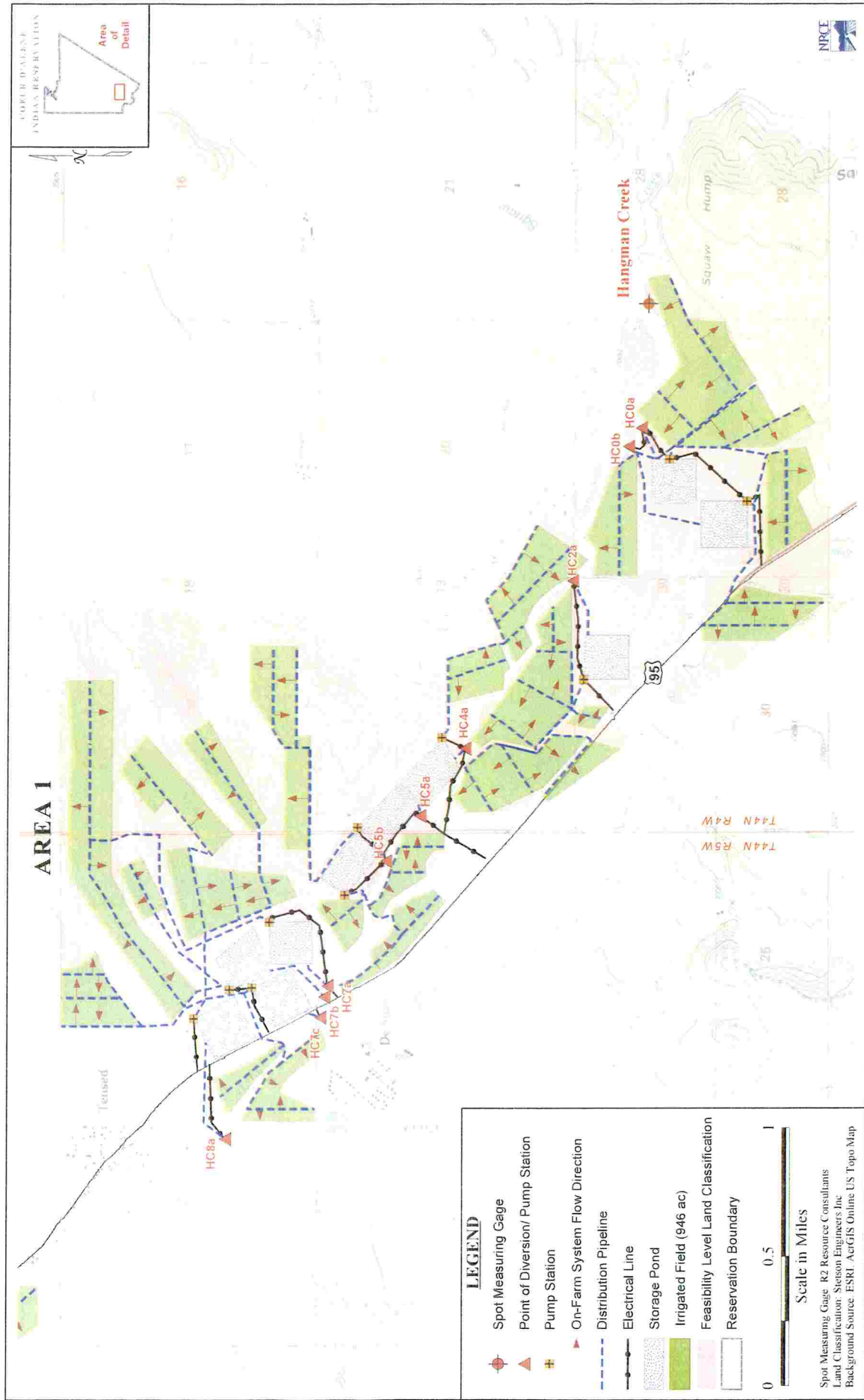
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )	<b>NOTICE OF CLAIM</b>
OF RIGHTS TO THE USE OF WATER )	
FROM THE COEUR D'ALENE- )	<b>Federal Reserved Water Right</b>
SPOKANE RIVER BASIN )	
WATER SYSTEM )	
CASE NO. 49576 )	

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** Hangman Creek (Fed ID # HC5a)

**4. Point of Diversion:**

Township: 44N   Range: 4W   Section: 19   Q: NW1/4   QQ: L2

Pond Storage Location –

Township: 44N   Range: 4W   Section: 19   Q: NW1/4   QQ: L1

Township: 44N   Range: 4W   Section: 19   Q: NW1/4   QQ: L2

Township: 44N   Range: 5W   Section: 24   Q: NE 1/4   QQ: NE1/4

Township: 44N   Range: 5W   Section: 24   Q: NE 1/4   QQ: SE1/4

**5. Place of Use:** Total Acres: 64

Township: 44N   Range: 4W   Section: 18   Q: SE1/4   QQ: NW1/4   Acres: 0.4

Township: 44N   Range: 4W   Section: 18   Q: SE1/4   QQ: SW1/4   Acres: 26.5

Township: 44N   Range: 4W   Section: 18   Q: SW1/4   QQ: L4   Acres: 15.9

Township: 44N	Range: 4W	Section: 18	Q: SW1/4	QQ: L7	Acres: 16.7
Township: 44N	Range: 4W	Section: 18	Q: SW1/4	QQ: L8	Acres: 0.9
Township: 44N	Range: 5W	Section: 13	Q: SE1/4	QQ: SE1/4	Acres: 3.7

See Attached Map

**6. Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31

**8. Quantity Reserved:** Acre Feet: 244

**9. Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding,

the Supreme Court affirmed the opinion of the district court, which had found that “a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe.” 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d’Alene Tribe held aboriginal title to “more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d’Alene and the St. Joe River.” *Idaho II*, 533 U.S. 262, 265 (2001). “Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities.” *Id.* at 265. “A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . .” *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, *Indian Affairs: Laws and Treaties* 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d’Alene Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute’s terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d’Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d’Alene Tribe.

#### **11. Signatures:**

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do     do not   X   wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.



Signature of Authorized Agent:  
Title and Organization:




---

Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

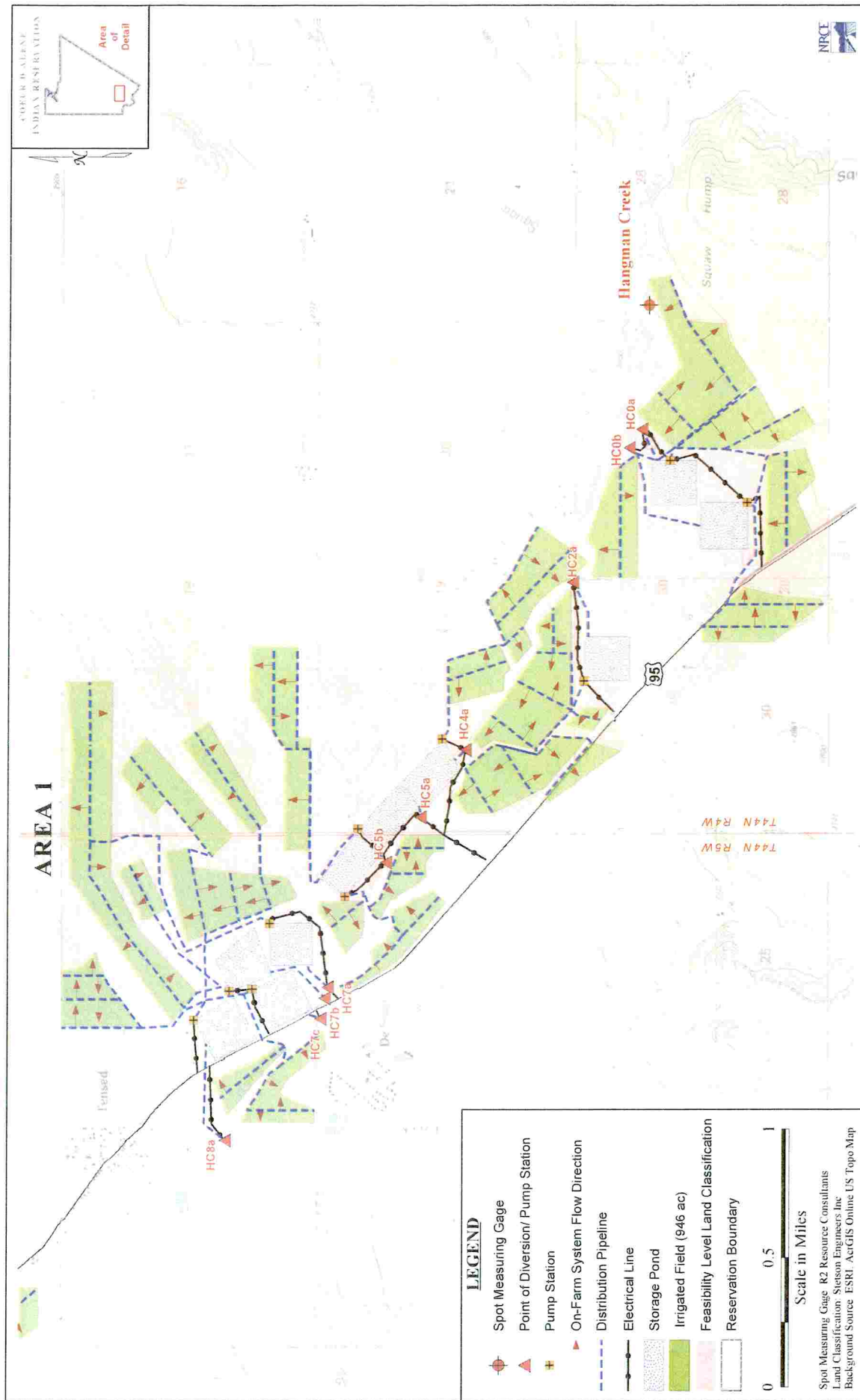


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Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.





**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE COEUR D'ALENE- )  
SPOKANE RIVER BASIN )  
WATER SYSTEM )  
CASE NO. 49576 )

**NOTICE OF CLAIM**

**Federal Reserved Water Right**

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** Hangman Creek (Fed ID # HC5b)

**4. Point of Diversion:**

Township: 44N Range: 5W Section: 24 Q: NE1/4 QQ: SE1/4

**Pond Storage Location –**

Township: 44N Range: 4W Section: 19 Q: NW1/4 QQ: L1  
Township: 44N Range: 5W Section: 24 Q: NE1/4 QQ: NE1/4  
Township: 44N Range: 5W Section: 24 Q: NE1/4 QQ: SE1/4

**5. Place of Use:** Total Acres: 64

Township: 44N	Range: 5W	Section: 24	Q: NE1/4	QQ: NW1/4	Acres: 17.5
Township: 44N	Range: 5W	Section: 24	Q: NE1/4	QQ: SE1/4	Acres: 21.5
Township: 44N	Range: 5W	Section: 24	Q: NE1/4	QQ: SW1/4	Acres: 20.9
Township: 44N	Range: 5W	Section: 24	Q: NW1/4	QQ: NE1/4	Acres: 3.4

Township: 44N Range: 5W Section: 24 Q: NW1/4 QQ: SE1/4 Acres: 0.6

See Attached Map

**6. Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31

**8. Quantity Reserved:** Acre Feet: 244

**9. Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that “a purpose of

the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe.” 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d’Alene Tribe held aboriginal title to “more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d’Alene and the St. Joe River.” *Idaho II*, 533 U.S. 262, 265 (2001). “Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities.” *Id.* at 265. “A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . .” *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, *Indian Affairs: Laws and Treaties* 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d’Alene Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute’s terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d’Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d’Alene Tribe.

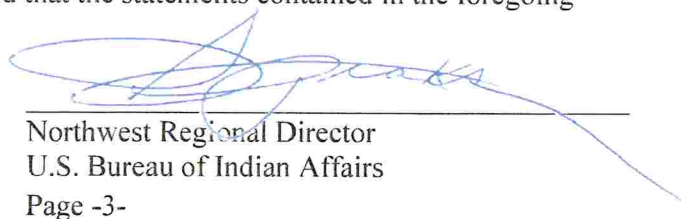
#### 11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do \_\_\_ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:  
Title and Organization:

  
\_\_\_\_\_  
Northwest Regional Director  
U.S. Bureau of Indian Affairs  
Page -3-

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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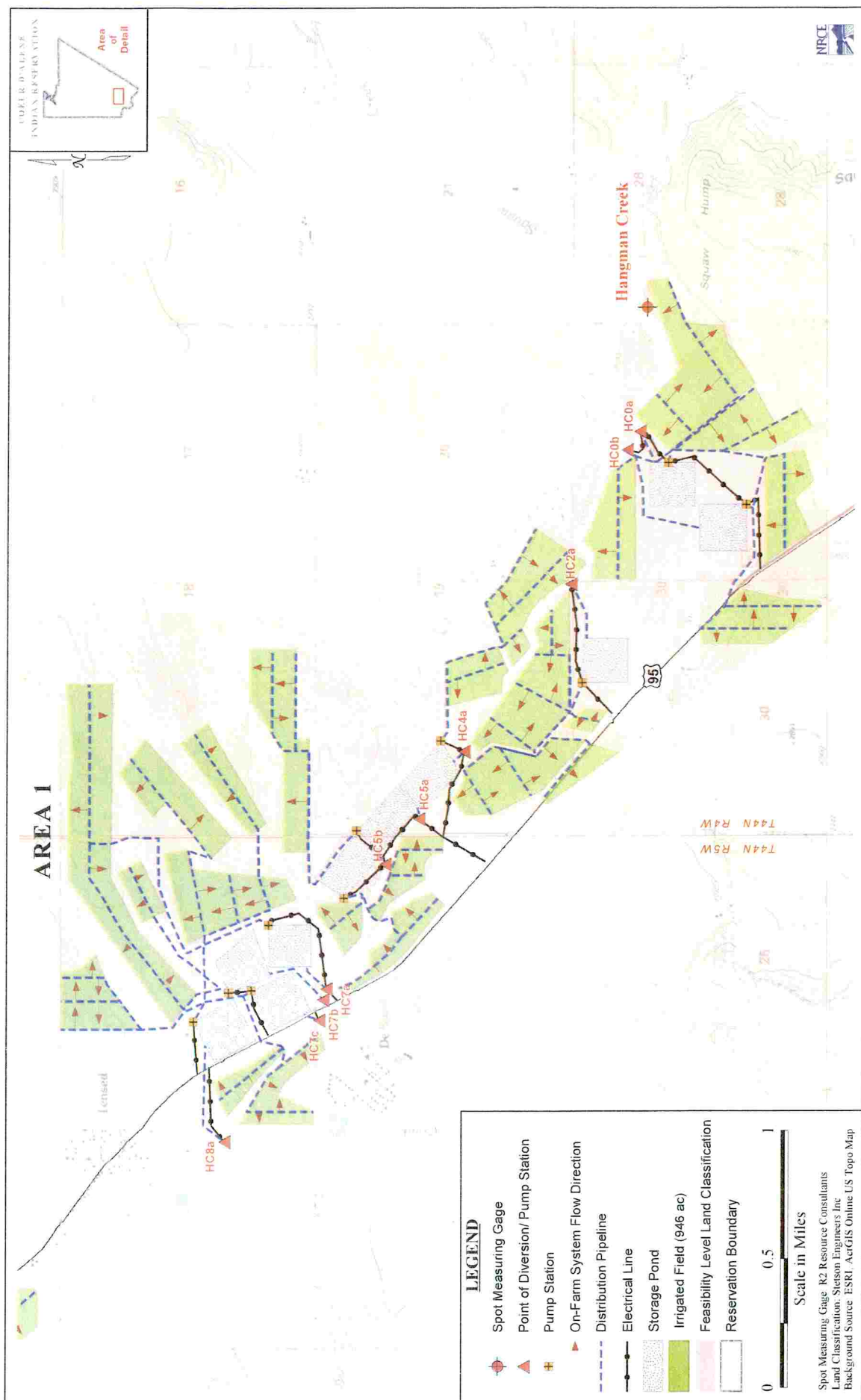


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Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.





**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )	<b>NOTICE OF CLAIM</b>
OF RIGHTS TO THE USE OF WATER )	
FROM THE COEUR D'ALENE- )	<b>Federal Reserved Water Right</b>
SPOKANE RIVER BASIN )	
WATER SYSTEM )	
)	
CASE NO. 49576 )	

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** Hangman Creek (Fed ID # HC7a)

**4. Point of Diversion:**

Township: 44N   Range: 5W   Section: 24   Q: NW1/4   QQ: NE1/4

Pond Storage Location –

Township: 44N   Range: 5W   Section: 13   Q: SE1/4   QQ: SW1/4

Township: 44N   Range: 5W   Section: 13   Q: SW1/4   QQ: SE1/4

**5. Place of Use:** Total Acres: 66

Township: 44N   Range: 4W   Section: 18   Q: NE1/4   QQ: NW1/4   Acres: 11.6

Township: 44N   Range: 4W   Section: 18   Q: NW1/4   QQ: NE1/4   Acres: 25.7

Township: 44N   Range: 4W   Section: 18   Q: NW1/4   QQ: L1   Acres: 26.6

Township: 44N   Range: 5W   Section: 13   Q: NE1/4   QQ: NE1/4   Acres: 2.1

See Attached Map

6. **Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 250

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, *Indian Affairs: Laws and Treaties* 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

#### 11. Signatures:

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- (b) I do    do not   X   wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:  
Title and Organization:

  
\_\_\_\_\_  
Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.



Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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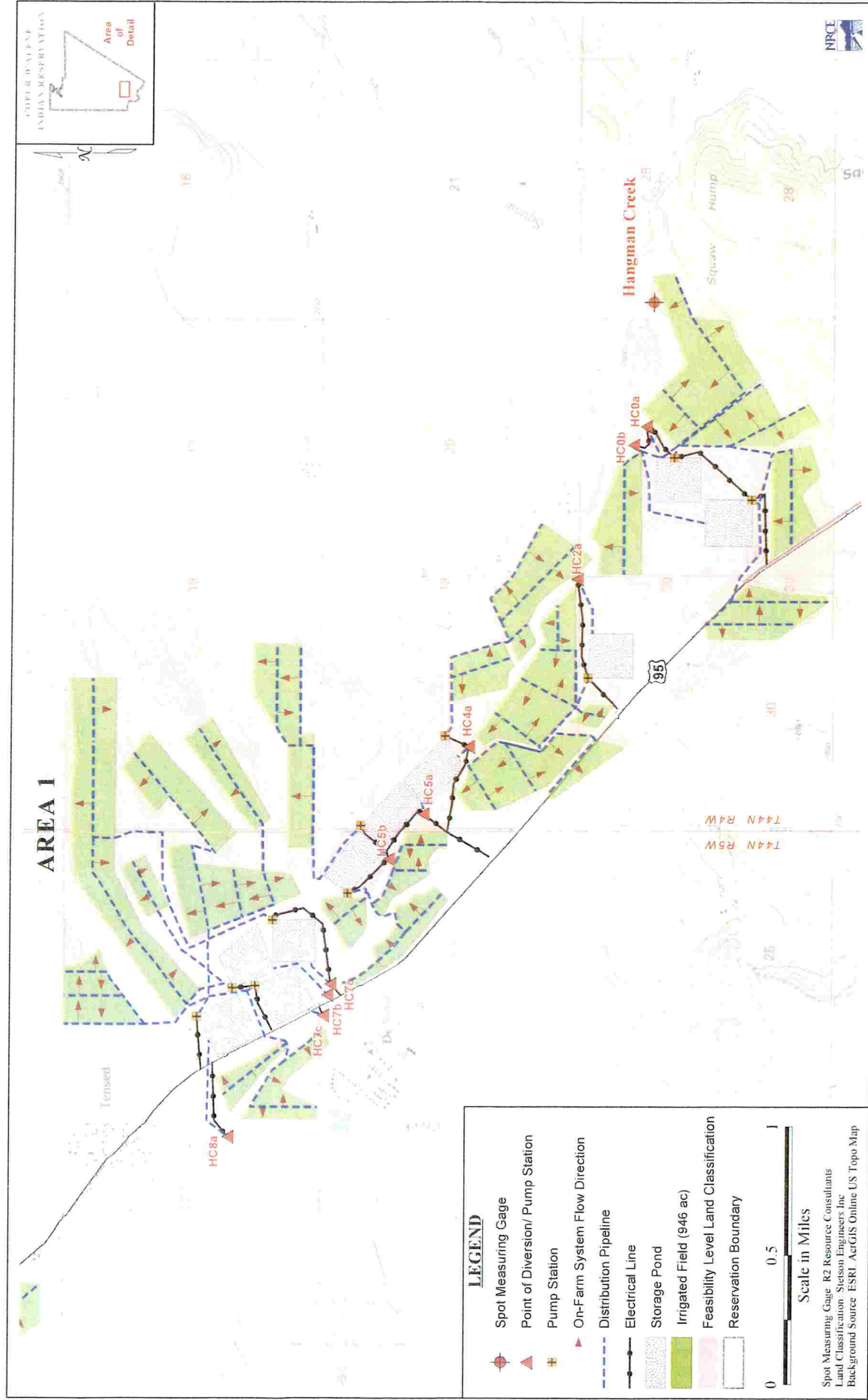


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Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE COEUR D'ALENE- )  
SPOKANE RIVER BASIN )  
WATER SYSTEM )  
CASE NO. 49576 )

**NOTICE OF CLAIM**

**Federal Reserved Water Right**

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** Hangman Creek (Fed ID # HC7b)

**4. Point of Diversion:**

Township: 44N Range: 5W Section: 24 Q: NW1/4 QQ: NE1/4

**Pond Storage Location –**

Township: 44N Range: 5W Section: 13 Q: SE1/4 QQ: NW1/4  
Township: 44N Range: 5W Section: 13 Q: SE1/4 QQ: SW1/4  
Township: 44N Range: 5W Section: 13 Q: SW1/4 QQ: NE1/4  
Township: 44N Range: 5W Section: 13 Q: SW1/4 QQ: SE1/4

**5. Place of Use:** Total Acres: 78

Township: 44N Range: 5W Section: 13 Q: NE1/4 QQ: NE1/4 Acres: 23.7  
Township: 44N Range: 5W Section: 13 Q: NE1/4 QQ: NW1/4 Acres: 10.7  
Township: 44N Range: 5W Section: 13 Q: NE1/4 QQ: SE1/4 Acres: 9.4

Township: 44N Range: 5W Section: 13 Q: NE1/4 QQ: SW1/4 Acres: 15.6  
Township: 44N Range: 5W Section: 13 Q: NW1/4 QQ: SE1/4 Acres: 17.9  
Township: 44N Range: 5W Section: 13 Q: SW1/4 QQ: NE1/4 Acres: 0.7

See Attached Map

**6. Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31

**8. Quantity Reserved:** Acre Feet: 292

**9. Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding,

the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

#### **11. Signatures:**


- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."
- (b) I do    do not   X   wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.



Signature of Authorized Agent:  
Title and Organization:




---

Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

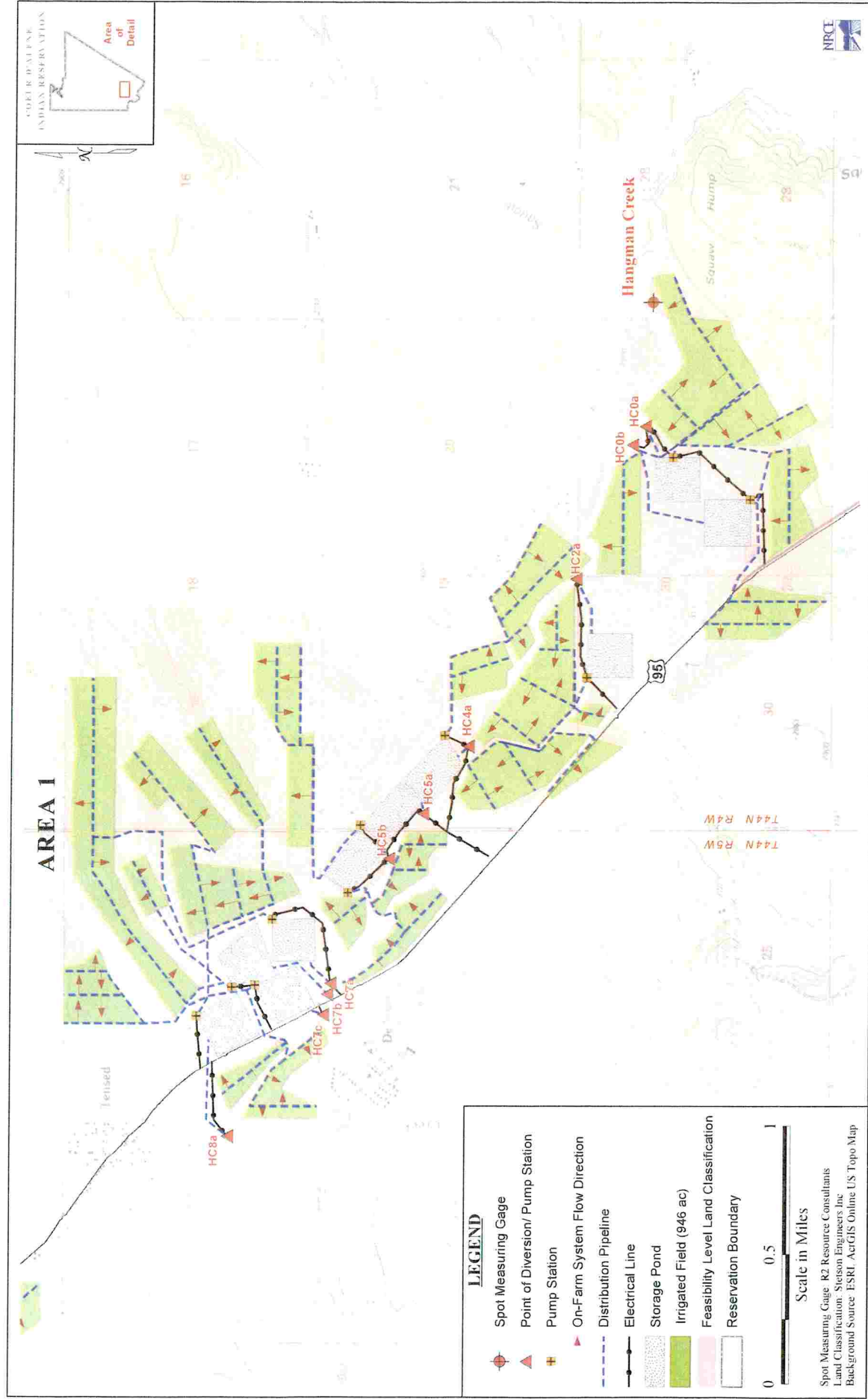


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Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE COEUR D'ALENE- )  
SPOKANE RIVER BASIN )  
WATER SYSTEM )  
CASE NO. 49576 )

**NOTICE OF CLAIM**

**Federal Reserved Water Right**

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** Hangman Creek (Fed ID # HC7c)

**4. Point of Diversion:**

Township: 44N Range: 5W Section: 24 Q: NW1/4 QQ: NE1/4

Pond Storage Location –

Township: 44N Range: 5W Section: 13 Q: SW1/4 QQ: SE1/4

Township: 44N Range: 5W Section: 13 Q: SW1/4 QQ: SW1/4

**5. Place of Use:** Total Acres: 78

Township: 44N Range: 5W Section: 13 Q: NE1/4 QQ: NW1/4 Acres: 1.0

Township: 44N Range: 5W Section: 13 Q: NW1/4 QQ: NE1/4 Acres: 32.2

Township: 44N Range: 5W Section: 13 Q: NW1/4 QQ: SE1/4 Acres: 1.9

Township: 44N Range: 5W Section: 13 Q: SW1/4 QQ: NW1/4 Acres: 7.1

Township: 44N Range: 5W Section: 13 Q: SW1/4 QQ: SW1/4 Acres: 15.0

Township: 44N Range: 5W Section: 14 Q: SE1/4 QQ: NE1/4 Acres: 4.4  
Township: 44N Range: 5W Section: 14 Q: SE1/4 QQ: SE1/4 Acres: 15.0  
Township: 44N Range: 5W Section: 24 Q: NW1/4 QQ: NW1/4 Acres: 1.5

See Attached Map

6. **Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 292

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCM (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding,

the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, *Indian Affairs: Laws and Treaties* 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

#### **11. Signatures:**


- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."
- (b) I do    do not   X   wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.



Signature of Authorized Agent:  
Title and Organization:




---

Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

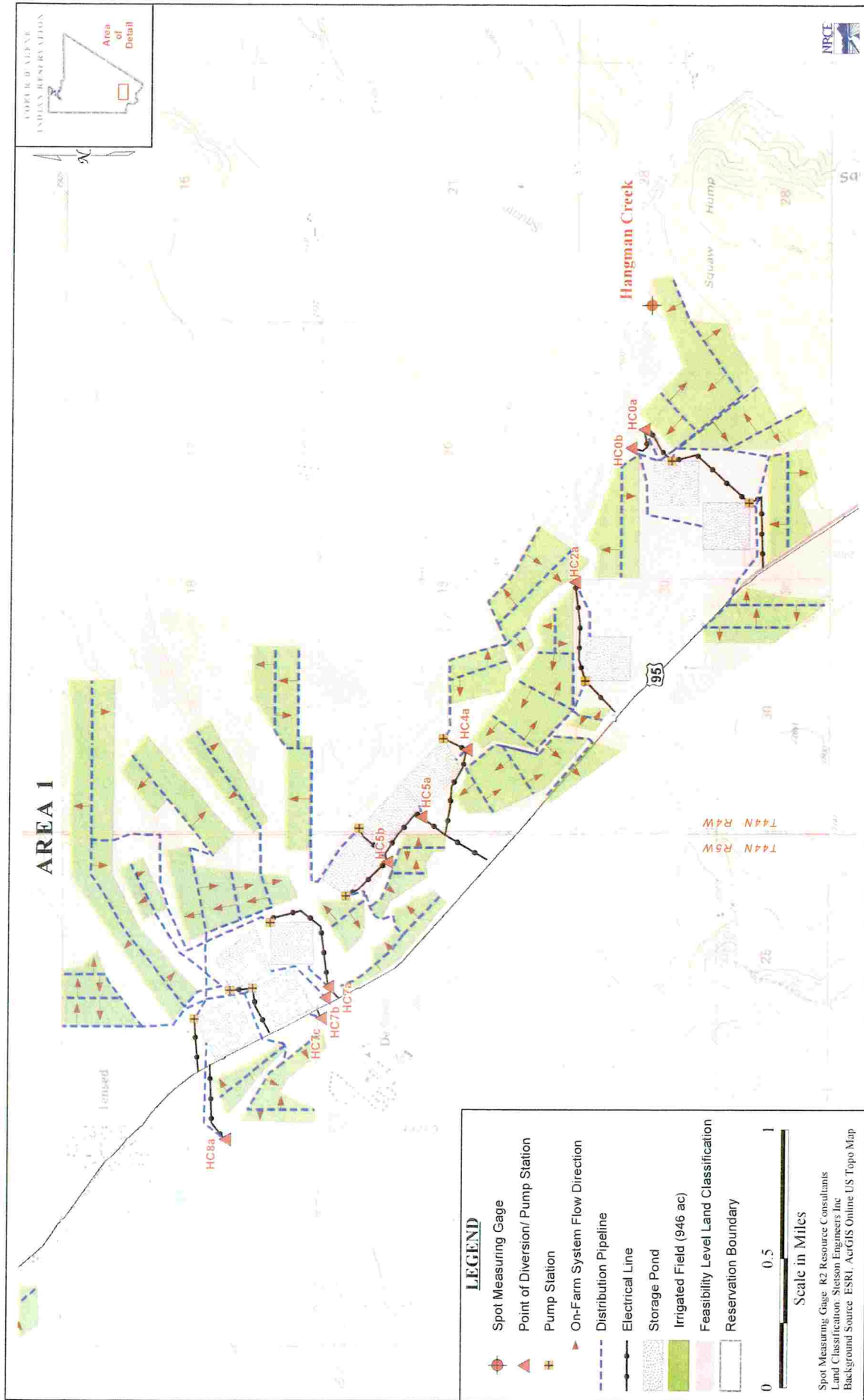


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Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION ) OF RIGHTS TO THE USE OF WATER ) FROM THE COEUR D'ALENE- ) SPOKANE RIVER BASIN ) WATER SYSTEM ) CASE NO. 49576 )	<b>NOTICE OF CLAIM</b>  <b>Federal Reserved Water Right</b>
---	---

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** Hangman Creek (Fed ID # HC8a)

**4. Point of Diversion:**

Township: 44N Range: 5W Section: 14 Q: SE1/4 QQ: NE1/4

Pond Storage Location –

Township: 44N Range: 5W Section: 13 Q: SW1/4 QQ: NE1/4  
Township: 44N Range: 5W Section: 13 Q: SW1/4 QQ: NW1/4  
Township: 44N Range: 5W Section: 13 Q: SW1/4 QQ: SW1/4

**5. Place of Use:** Total Acres: 134

Township: 44N Range: 4W Section: 18 Q: NW1/4 QQ: NE1/4 Acres: 0.2  
Township: 44N Range: 4W Section: 18 Q: NW1/4 QQ: SE1/4 Acres: 10.3  
Township: 44N Range: 4W Section: 18 Q: SW1/4 QQ: NE1/4 Acres: 14.2  
Township: 44N Range: 4W Section: 18 Q: NW1/4 QQ: L1 Acres: 0.2

Township: 44N	Range: 4W	Section: 18	Q: NW1/4	QQ: L2	Acres: 19.4
Township: 44N	Range: 4W	Section: 18	Q: SW1/4	QQ: L4	Acres: 2.8
Township: 44N	Range: 4W	Section: 18	Q: SW1/4	QQ: L5	Acres: 10.9
Township: 44N	Range: 4W	Section: 18	Q: SW1/4	QQ: L6	Acres: 12.5
Township: 44N	Range: 5W	Section: 13	Q: NE1/4	QQ: SE1/4	Acres: 8.8
Township: 44N	Range: 5W	Section: 13	Q: NE1/4	QQ: SW1/4	Acres: 2.8
Township: 44N	Range: 5W	Section: 13	Q: SE1/4	QQ: NE1/4	Acres: 22.1
Township: 44N	Range: 5W	Section: 13	Q: SE1/4	QQ: NW1/4	Acres: 17.7
Township: 44N	Range: 5W	Section: 13	Q: SE1/4	QQ: SE1/4	Acres: 9.2
Township: 44N	Range: 5W	Section: 13	Q: SE1/4	QQ: SW1/4	Acres: 3.0

See Attached Map

**6. Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31

**8. Quantity Reserved:** Acre Feet: 397

**9. Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur*



*d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, *Indian Affairs: Laws and Treaties* 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

#### **11. Signatures:**

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."
- (b) I do ☐ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.



For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:  
Title and Organization:




Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

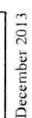
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Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )	<b>NOTICE OF CLAIM</b>
OF RIGHTS TO THE USE OF WATER )	
FROM THE COEUR D'ALENE- )	<b>Federal Reserved Water Right</b>
SPOKANE RIVER BASIN )	
WATER SYSTEM )	
)	
CASE NO. 49576 )	

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** Hangman Creek (Fed ID # HC12a)

**4. Point of Diversion:**

Township: 44N Range: 5W Section: 10 Q: SE1/4 QQ: NE1/4

Pond Storage Location –

Township: 44N Range: 5W Section: 10 Q: SE1/4 QQ: NE1/4

Township: 44N Range: 5W Section: 10 Q: SE1/4 QQ: NW1/4

Township: 44N Range: 5W Section: 10 Q: SE1/4 QQ: SW1/4

**5. Place of Use:** Total Acres: 79

Township: 44N Range: 5W Section: 10 Q: SE1/4 QQ: NE1/4 Acres: 10.5

Township: 44N Range: 5W Section: 11 Q: NW1/4 QQ: SE1/4 Acres: 0.1

Township: 44N Range: 5W Section: 11 Q: NW1/4 QQ: SW1/4 Acres: 12.5

Township: 44N Range: 5W Section: 11 Q: SW1/4 QQ: NW1/4 Acres: 33.9

Township: 44N Range: 5W Section: 11 Q: SW1/4 QQ: SW1/4 Acres: 22.0

See Attached Map

6. **Purpose of Water Use:** Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d’Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 294

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d’Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d’Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d’Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d’Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d’Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d’Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d’Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d’Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that “a purpose of

the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe.” 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d’Alene Tribe held aboriginal title to “more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d’Alene and the St. Joe River.” *Idaho II*, 533 U.S. 262, 265 (2001). “Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities.” *Id.* at 265. “A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . .” *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, *Indian Affairs: Laws and Treaties* 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d’Alene Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute’s terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d’Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d’Alene Tribe.

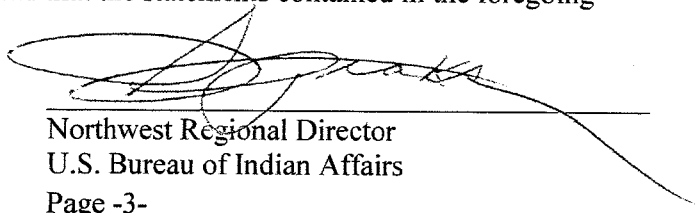
#### 11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do     do not   X   wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:  
Title and Organization:

  
Northwest Regional Director  
U.S. Bureau of Indian Affairs



Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

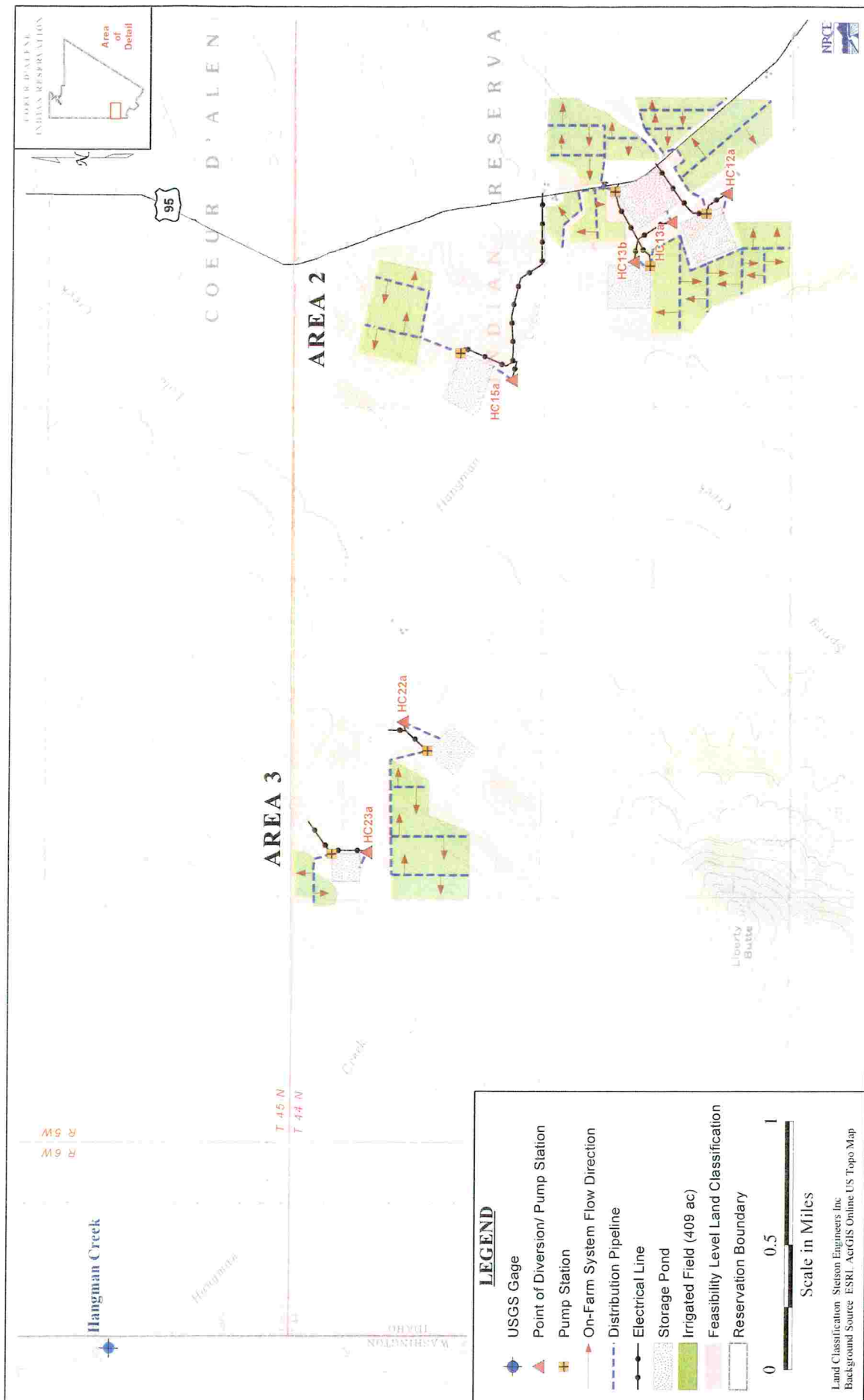


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Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE COEUR D'ALENE- )  
SPOKANE RIVER BASIN )  
WATER SYSTEM )  
 )  
 )  
CASE NO. 49576 )

## Federal Reserved Water Right

Township: 44N Range: 5W Section: 11 Q: NW1/4 QQ: SW1/4 Acres: 14.4

See Attached Map

**6. Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31

**8. Quantity Reserved:** Acre Feet: 312

**9. Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that “a purpose of

the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe.” 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d’Alene Tribe held aboriginal title to “more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d’Alene and the St. Joe River.” *Idaho II*, 533 U.S. 262, 265 (2001). “Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities.” *Id.* at 265. “A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . .” *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, *Indian Affairs: Laws and Treaties* 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d’Alene Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute’s terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d’Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d’Alene Tribe.

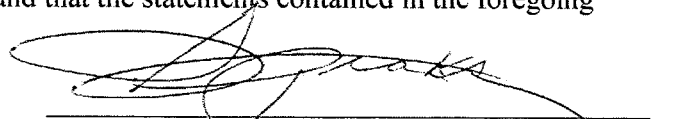
#### 11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do \_\_\_ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:  
Title and Organization:

  
\_\_\_\_\_  
Northwest Regional Director  
U.S. Bureau of Indian Affairs  
Page -3-



Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

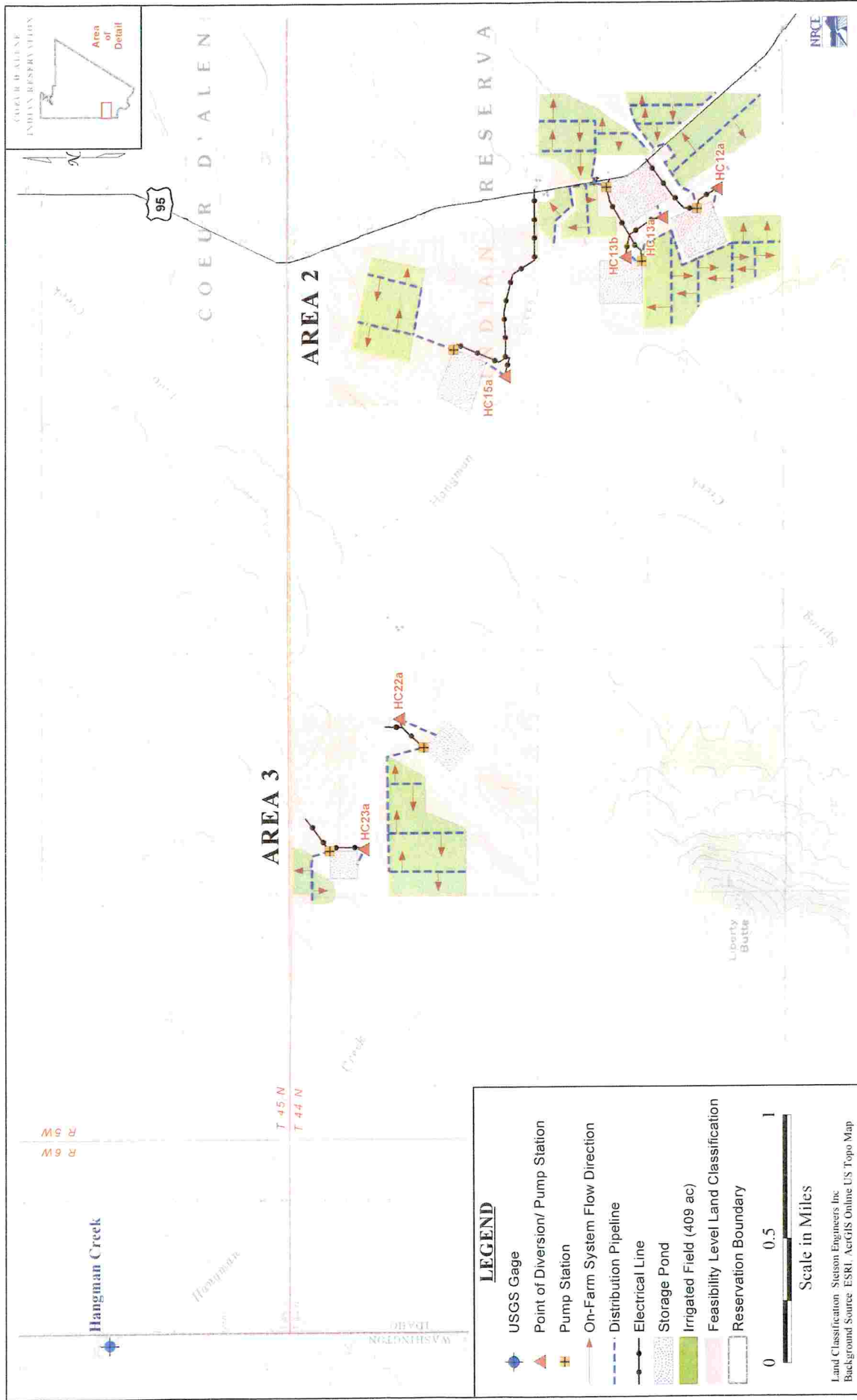
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )	<b>NOTICE OF CLAIM</b>
OF RIGHTS TO THE USE OF WATER )	
FROM THE COEUR D'ALENE- )	<b>Federal Reserved Water Right</b>
SPOKANE RIVER BASIN )	
WATER SYSTEM )	
CASE NO. 49576 )	

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** Hangman Creek (Fed ID # HC13b)

**4. Point of Diversion:**

Township: 44N Range: 5W Section: 10 Q: NE1/4 QQ: SW1/4

Pond Storage Location –

Township: 44N Range: 5W Section: 10 Q: NE1/4 QQ: SW1/4

Township: 44N Range: 5W Section: 10 Q: NW1/4 QQ: SE1/4

**5. Place of Use:** Total Acres: 93

Township: 44N	Range: 5W	Section: 10	Q: NE1/4	QQ: SW1/4	Acres: 5.7
Township: 44N	Range: 5W	Section: 10	Q: NW1/4	QQ: SE1/4	Acres: 7.3
Township: 44N	Range: 5W	Section: 10	Q: SE1/4	QQ: NW1/4	Acres: 18.0
Township: 44N	Range: 5W	Section: 10	Q: SE1/4	QQ: SW1/4	Acres: 35.4
Township: 44N	Range: 5W	Section: 10	Q: SW1/4	QQ: NE1/4	Acres: 23.3

Township: 44N Range: 5W Section: 10 Q: SW1/4 QQ: SE1/4 Acres: 3.3

See Attached Map

6. **Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 285

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCM (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of



the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe.” 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d’Alene Tribe held aboriginal title to “more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d’Alene and the St. Joe River.” *Idaho II*, 533 U.S. 262, 265 (2001). “Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities.” *Id.* at 265. “A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . .” *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, *Indian Affairs: Laws and Treaties* 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d’Alene Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute’s terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d’Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d’Alene Tribe.

#### 11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do \_\_\_ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:  
Title and Organization:

  
\_\_\_\_\_  
Northwest Regional Director  
U.S. Bureau of Indian Affairs  
Page -3-



Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

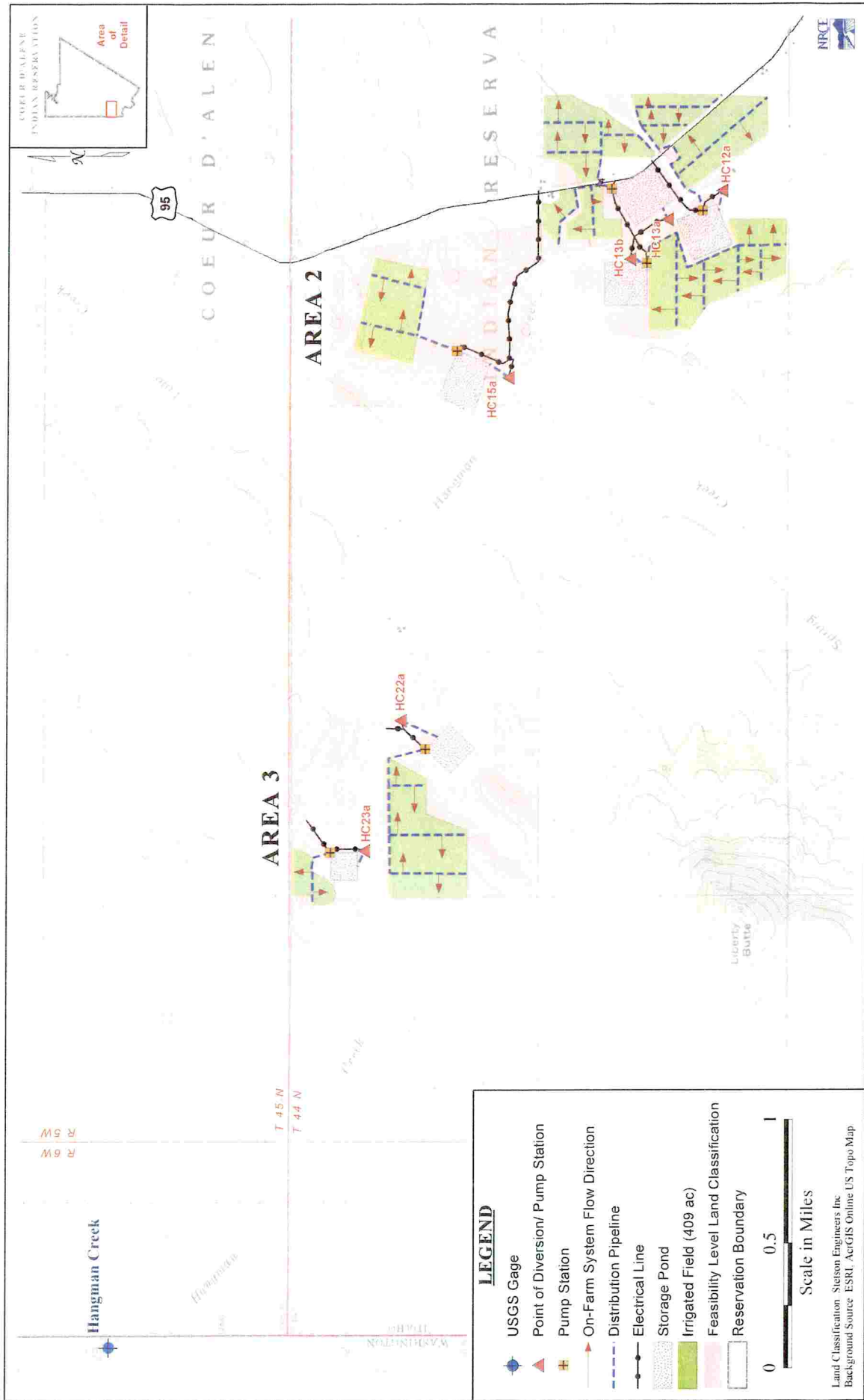
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Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )	<b>NOTICE OF CLAIM</b>
OF RIGHTS TO THE USE OF WATER )	
FROM THE COEUR D'ALENE- )	<b>Federal Reserved Water Right</b>
SPOKANE RIVER BASIN )	
WATER SYSTEM )	
CASE NO. 49576 )	

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** Hangman Creek (Fed ID # HC15a)

**4. Point of Diversion:**

Township: 44N Range: 5W Section: 3 Q: SW1/4 QQ: SW1/4

Pond Storage Location –

Township: 44N Range: 5W Section: 3 Q: SW1/4 QQ: NW1/4

Township: 44N Range: 5W Section: 3 Q: SW1/4 QQ: SW1/4

Township: 44N Range: 5W Section: 4 Q: SE1/4 QQ: NE1/4

**5. Place of Use:** Total Acres: 56

Township: 44N Range: 5W Section: 3 Q: NE1/4 QQ: SW1/4 Acres: 9.0

Township: 44N Range: 5W Section: 3 Q: NW1/4 QQ: SE1/4 Acres: 34.1

Township: 44N Range: 5W Section: 3 Q: NW1/4 QQ: SW1/4 Acres: 7.5

Township: 44N Range: 5W Section: 3 Q: SE1/4 QQ: NW1/4 Acres: 1.7  
Township: 44N Range: 5W Section: 3 Q: SW1/4 QQ: NE 1/4 Acres: 3.6

See Attached Map

**6. Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31

**8. Quantity Reserved:** Acre Feet: 220

**9. Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

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the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe.” 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d’Alene Tribe held aboriginal title to “more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d’Alene and the St. Joe River.” *Idaho II*, 533 U.S. 262, 265 (2001). “Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities.” *Id.* at 265. “A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . .” *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, *Indian Affairs: Laws and Treaties* 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d’Alene Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute’s terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d’Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d’Alene Tribe.


#### 11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do \_\_\_ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:  
Title and Organization:

  
\_\_\_\_\_  
Northwest Regional Director  
U.S. Bureau of Indian Affairs  
Page -3-



Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

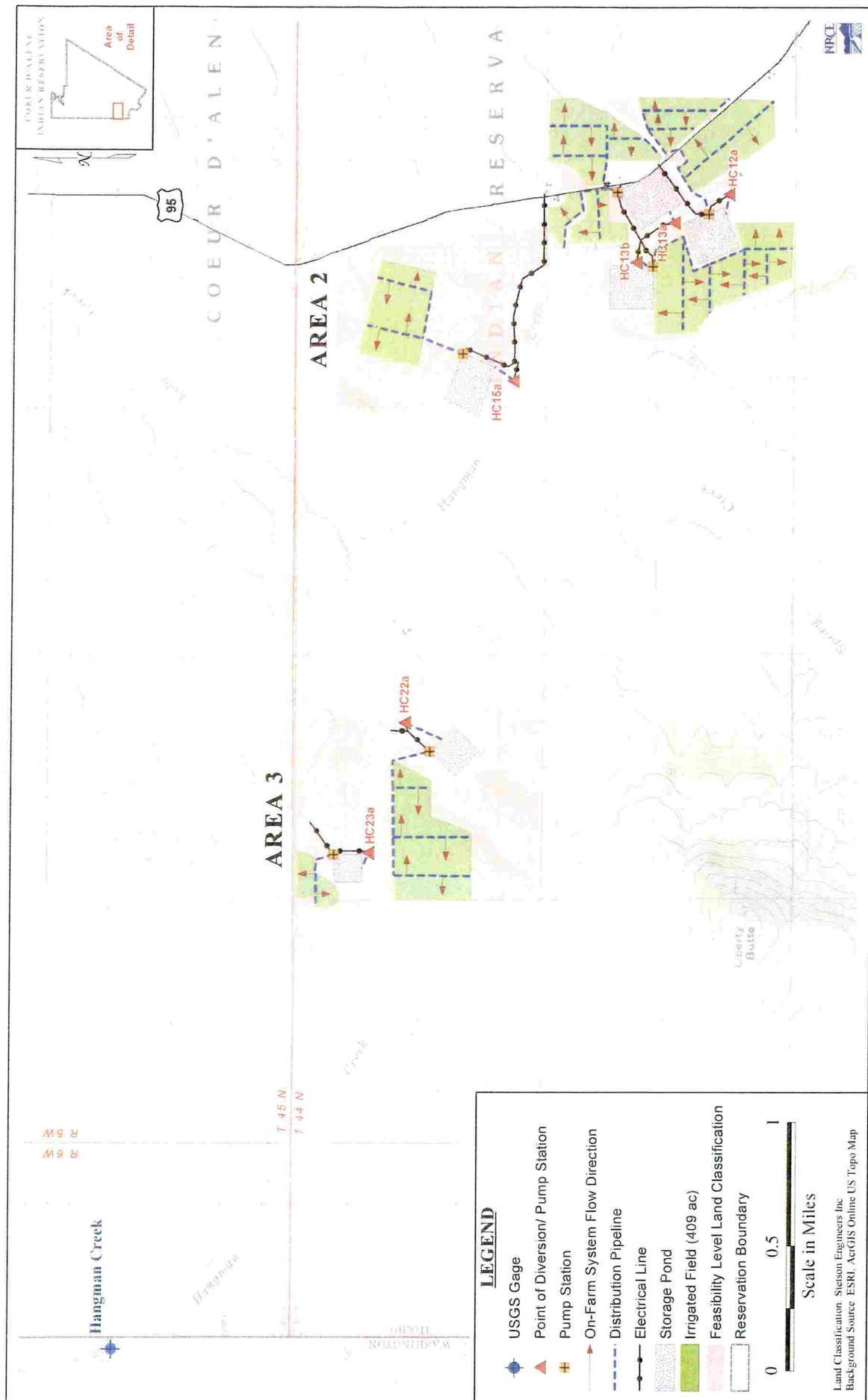
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Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Land Classification: Stetson Engineers Inc  
Background Source: ESRI, ArcGIS Online US Topo Map

Coeur d'Alene Reservation - PIA Project Layout  
Hangman Creek - Area 2 and Area 3

December 2013

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE COEUR D'ALENE- )  
SPOKANE RIVER BASIN )  
WATER SYSTEM )  
CASE NO. 49576 )

**NOTICE OF CLAIM**

**Federal Reserved Water Right**

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** Hangman Creek (Fed ID # HC22a)

**4. Point of Diversion:**

Township: 44N Range: 5W Section: 5 Q: NE1/4 QQ: SW1/4

Pond Storage Location - Township: 44N Range: 5W Section: 5 Q: SE1/4 QQ: NW1/4

**5. Place of Use:** Total Acres: 82

Township: 44N	Range: 5W	Section: 5	Q: NE1/4	QQ: SW1/4	Acres: 3.1
Township: 44N	Range: 5W	Section: 5	Q: NW1/4	QQ: SE1/4	Acres: 15.9
Township: 44N	Range: 5W	Section: 5	Q: NW1/4	QQ: SW1/4	Acres: 14.6
Township: 44N	Range: 5W	Section: 5	Q: SE1/4	QQ: NW1/4	Acres: 0.2
Township: 44N	Range: 5W	Section: 5	Q: SW1/4	QQ: NE1/4	Acres: 14.8
Township: 44N	Range: 5W	Section: 5	Q: SW1/4	QQ: NW1/4	Acres: 33.3

See Attached Map

6. **Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 254

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).



d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

#### 11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."
- (b) I do     do not   X   wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:  
Title and Organization:

  
\_\_\_\_\_  
Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.



Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

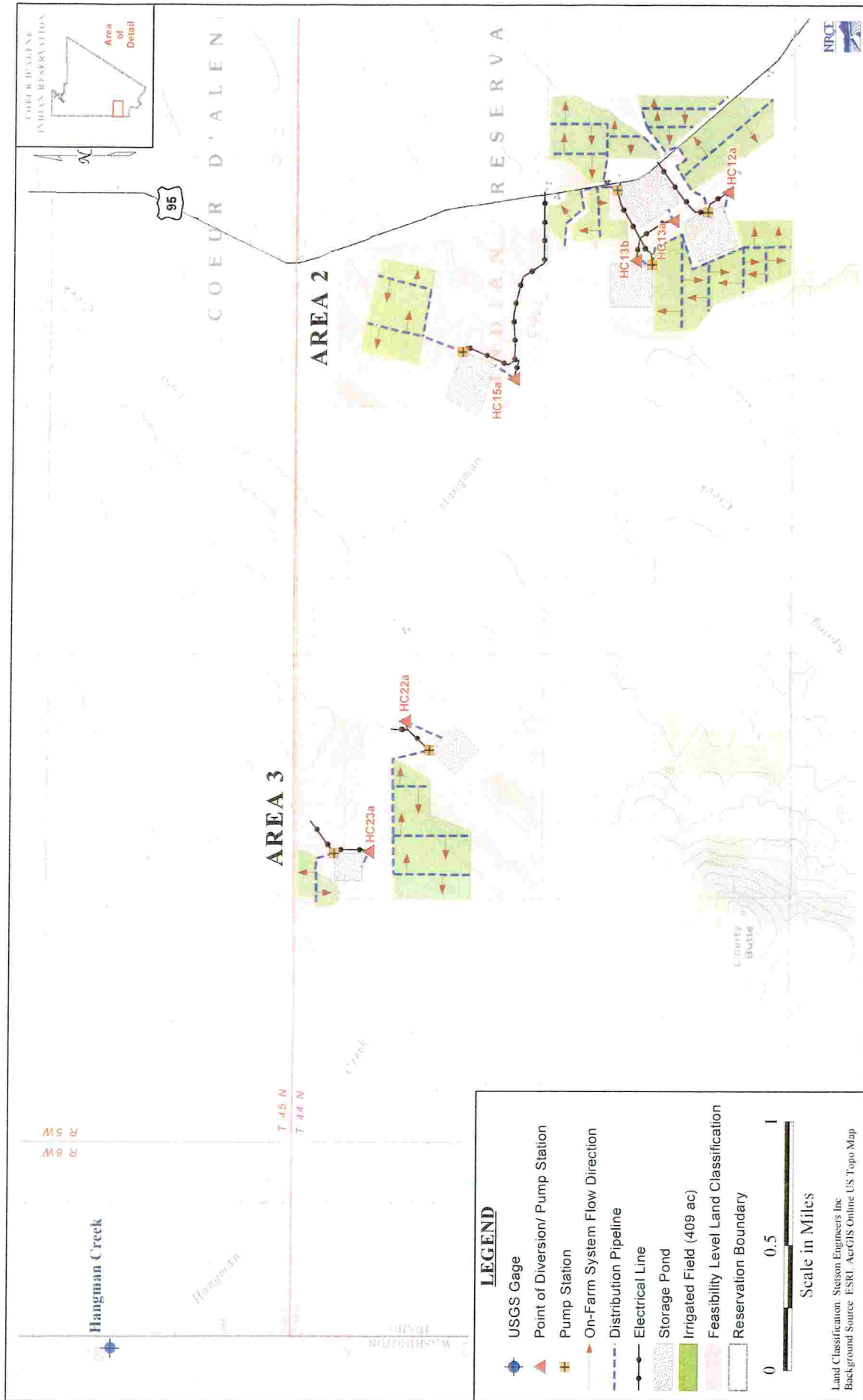
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Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE COEUR D'ALENE- )  
SPOKANE RIVER BASIN )  
WATER SYSTEM )  
CASE NO. 49576 )

**NOTICE OF CLAIM**

**Federal Reserved Water Right**

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** Hangman Creek (Fed ID # HC23a)

**4. Point of Diversion:**

Township: 44N Range: 5W Section: 5 Q: NW1/4 QQ: SW1/4

Pond Storage Location –

Township: 44N Range: 5W Section: 5 Q: NW1/4 QQ: SW1/4

Township: 44N Range: 5W Section: 5 Q: NW1/4 QQ: L4

**5. Place of Use:** Total Acres: 15

Township: 44N Range: 5W Section: 5 Q: NW1/4 QQ: L4 Acres: 14.1

Township: 44N Range: 5W Section: 6 Q: NE1/4 QQ: L1 Acres: 0.9

See Attached Map

6. **Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 69

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern

Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, *Indian Affairs: Laws and Treaties* 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

#### 11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."
- (b) I do \_\_\_ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:  
Title and Organization:

  
\_\_\_\_\_  
Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior,



Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

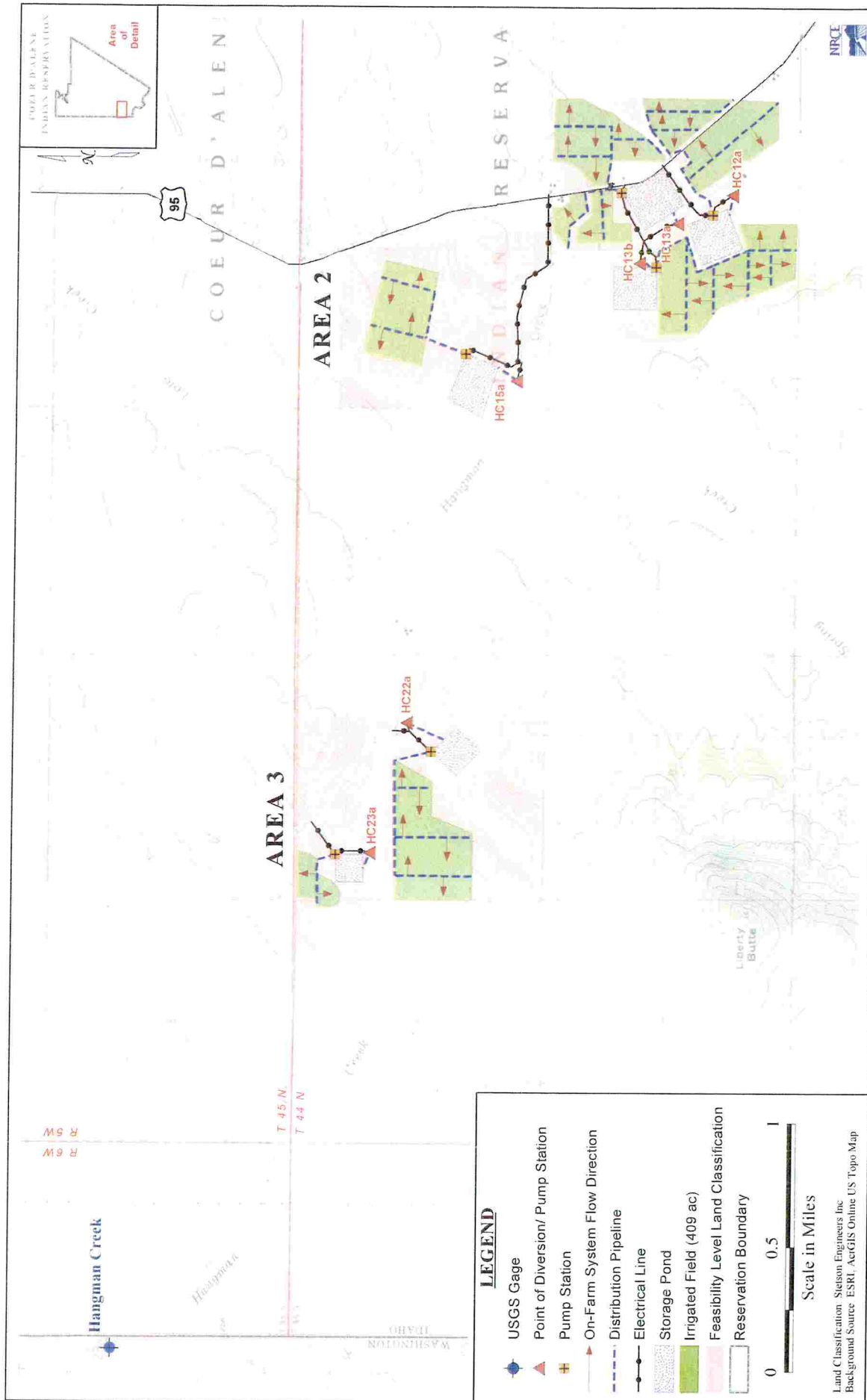
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Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE COEUR D'ALENE- )  
SPOKANE RIVER BASIN )  
WATER SYSTEM )  
CASE NO. 49576 )

**NOTICE OF CLAIM**

**Federal Reserved Water Right**

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** Lolo Creek (Fed ID # LC0a)

**4. Point of Diversion:**

Township: 45N Range: 5W Section: 27 Q: SE1/4 QQ: NE1/4

Pond Storage Location –

Township: 45N Range: 5W Section: 26 Q: SW1/4 QQ: NW1/4

Township: 45N Range: 5W Section: 27 Q: SE1/4 QQ: NE1/4

**5. Place of Use:** Total Acres: 72

Township: 45N Range: 5W Section: 26 Q: NW1/4 QQ: NE1/4 Acres: 19.5

Township: 45N Range: 5W Section: 26 Q: NW1/4 QQ: NW1/4 Acres: 12.1

Township: 45N Range: 5W Section: 26 Q: NW1/4 QQ: SE1/4 Acres: 20.4

Township: 45N Range: 5W Section: 26 Q: NW1/4 QQ: SW1/4 Acres: 20.0

See Attached Map

6. **Purpose of Water Use:** Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d’Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 222

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d’Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d’Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d’Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d’Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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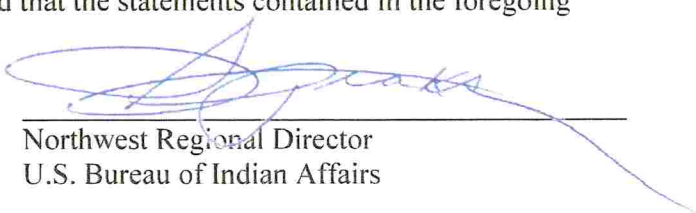
#### 11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."
- (b) I do    do not   X   wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:  
Title and Organization:

  
\_\_\_\_\_  
Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.



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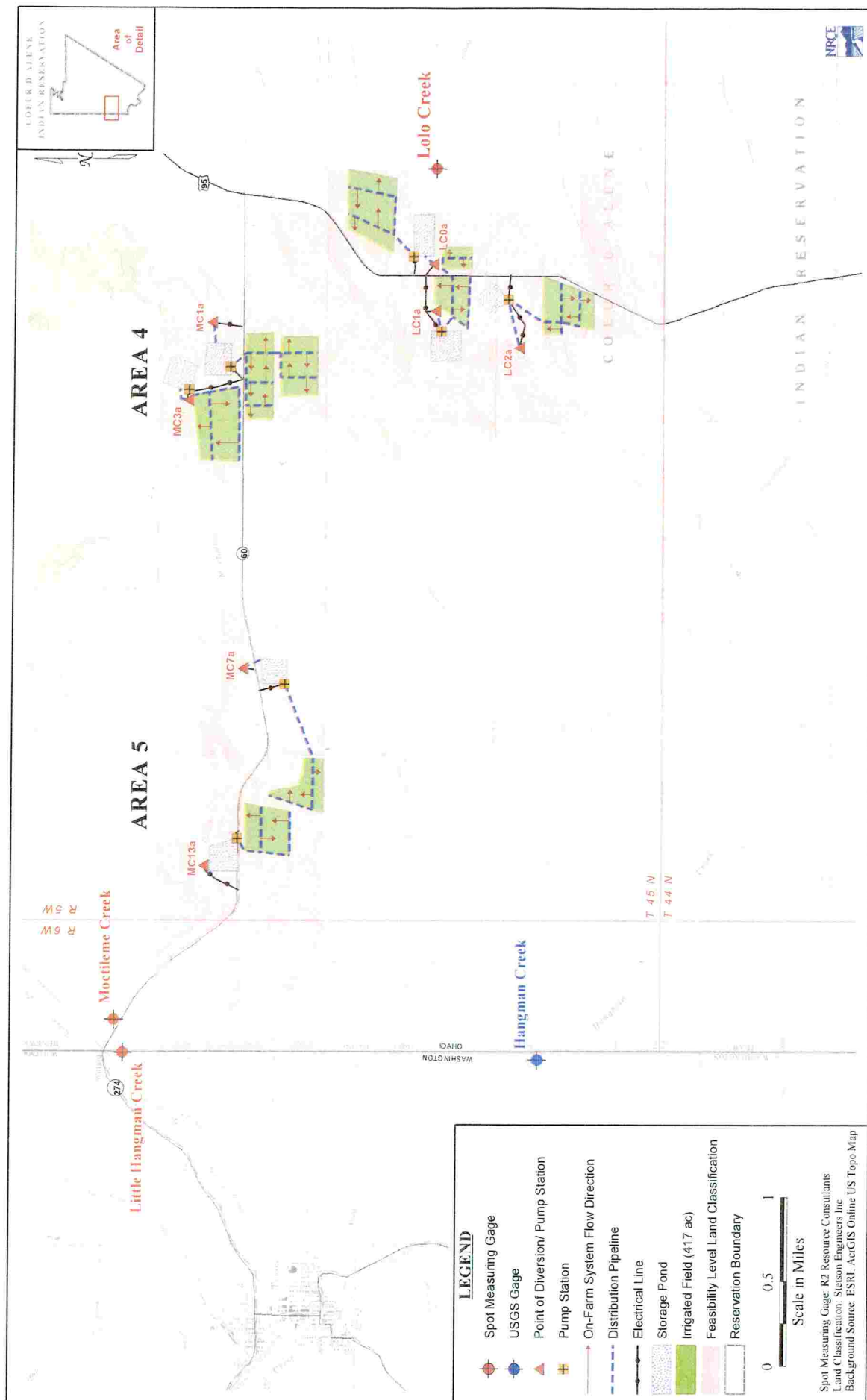


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Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE COEUR D'ALENE- )  
SPOKANE RIVER BASIN )  
WATER SYSTEM )  
CASE NO. 49576 )

**NOTICE OF CLAIM**

**Federal Reserved Water Right**

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** Lolo Creek (Fed ID # LC1a)

**4. Point of Diversion:**

Township: 45N Range: 5W Section: 27 Q: SE1/4 QQ: NW1/4

**Pond Storage Location –**

Township: 45N Range: 5W Section: 27 Q: SE1/4 QQ: SW1/4

Township: 45N Range: 5W Section: 27 Q: SE1/4 QQ: NW1/4

Township: 45N Range: 5W Section: 27 Q: SW1/4 QQ: NE1/4

Township: 45N Range: 5W Section: 27 Q: SW1/4 QQ: SE1/4

**5. Place of Use:** Total Acres: 44

Township: 45N Range: 5W Section: 26 Q: SW1/4 QQ: NW1/4 Acres: 1.4

Township: 45N Range: 5W Section: 26 Q: SW1/4 QQ: SW1/4 Acres: 2.3

Township: 45N Range: 5W Section: 27 Q: SE1/4 QQ: NE1/4 Acres: 11.4

Township: 45N Range: 5W Section: 27 Q: SE1/4 QQ: NW1/4 Acres: 6.7  
Township: 45N Range: 5W Section: 27 Q: SE1/4 QQ: SE1/4 Acres: 12.6  
Township: 45N Range: 5W Section: 27 Q: SE1/4 QQ: SW1/4 Acres: 9.4

See Attached Map

6. **Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 182

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

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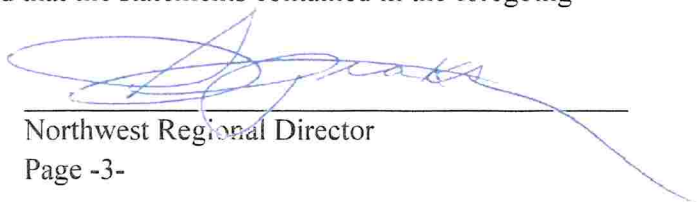
#### 11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."
- (b) I do \_\_\_ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:  
Title and Organization:

  
\_\_\_\_\_  
Northwest Regional Director  
Page -3-



U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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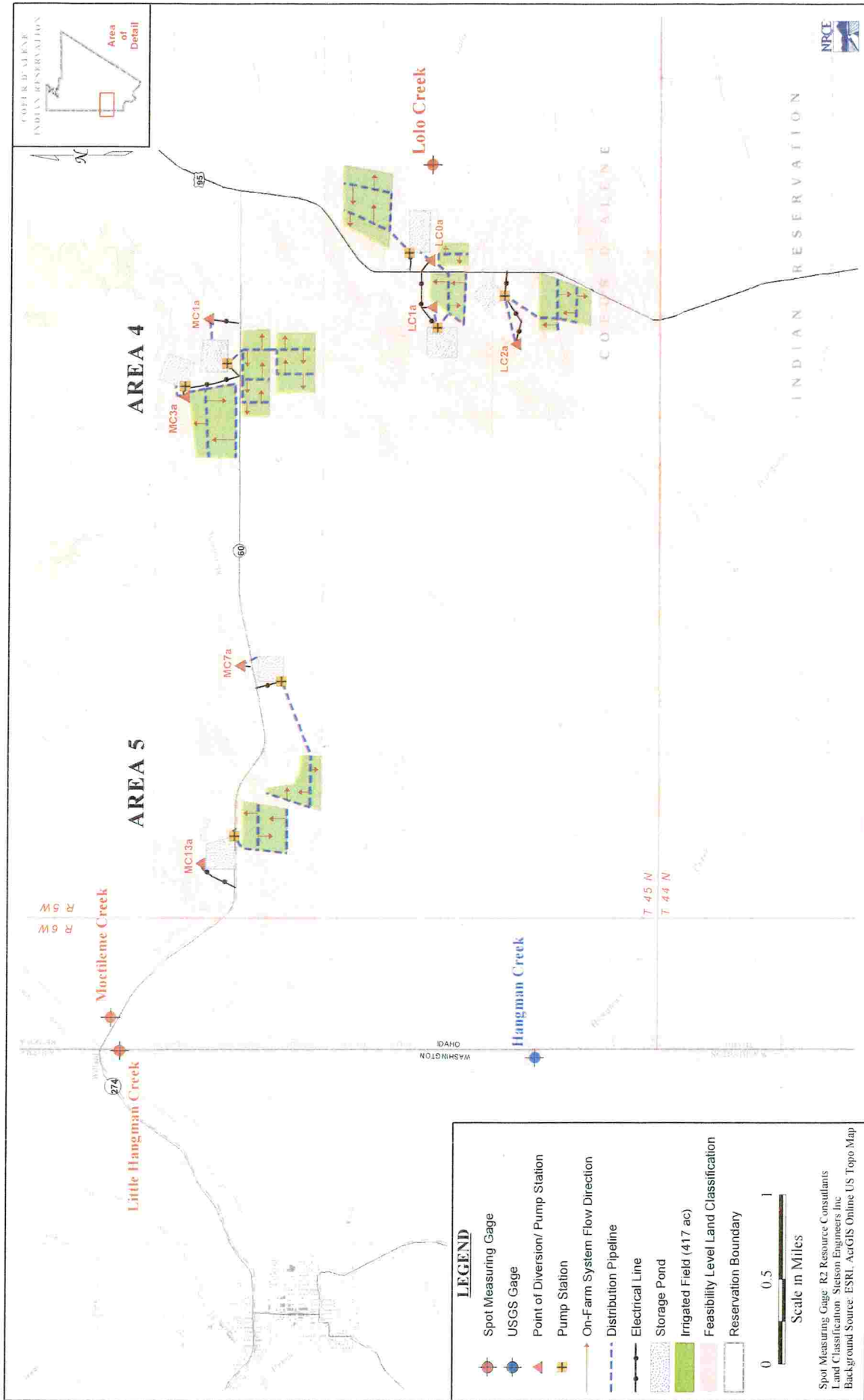


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Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE COEUR D'ALENE- )  
SPOKANE RIVER BASIN )  
WATER SYSTEM )  
CASE NO. 49576 )

**NOTICE OF CLAIM**

**Federal Reserved Water Right**

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** Lolo Creek (Fed ID # LC2a)

**4. Point of Diversion:**

Township: 45N Range: 5W Section: 34 Q: NW1/4 QQ: NE1/4

**Pond Storage Location –**

Township: 45N Range: 5W Section: 27 Q: SE1/4 QQ: SE1/4  
Township: 45N Range: 5W Section: 27 Q: SE1/4 QQ: SW1/4  
Township: 45N Range: 5W Section: 34 Q: NE1/4 QQ: NE1/4  
Township: 45N Range: 5W Section: 34 Q: NE1/4 QQ: NW1/4

**5. Place of Use:** Total Acres: 49

Township: 45N Range: 5W Section: 34 Q: NE1/4 QQ: SE1/4 Acres: 9.9  
Township: 45N Range: 5W Section: 34 Q: NE1/4 QQ: SW1/4 Acres: 28.0  
Township: 45N Range: 5W Section: 34 Q: SE1/4 QQ: NE1/4 Acres: 0.9

Township: 45N Range: 5W Section: 34 Q: SE1/4 QQ: NW1/4 Acres: 10.2

See Attached Map

6. **Purpose of Water Use:** Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d’Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 145

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d’Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d’Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d’Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d’Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d’Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d’Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d’Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d’Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that “a purpose of

the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe.” 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d’Alene Tribe held aboriginal title to “more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d’Alene and the St. Joe River.” *Idaho II*, 533 U.S. 262, 265 (2001). “Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities.” *Id.* at 265. “A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . .” *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, *Indian Affairs: Laws and Treaties* 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d’Alene Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute’s terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d’Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d’Alene Tribe.

#### 11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do \_\_\_ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:  
Title and Organization:

  
\_\_\_\_\_  
Northwest Regional Director  
U.S. Bureau of Indian Affairs  
Page -3-



Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )	<b>NOTICE OF CLAIM</b>
OF RIGHTS TO THE USE OF WATER )	
FROM THE COEUR D'ALENE- )	<b>Federal Reserved Water Right</b>
SPOKANE RIVER BASIN )	
WATER SYSTEM )	
)	
CASE NO. 49576 )	

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** Moccilleme Creek (Fed ID # MC1a)

**4. Point of Diversion:**

Township: 45N Range: 5W Section: 22 Q: NE1/4 QQ: SW1/4

Pond Storage Location – Township: 45N Range: 5W Section: 22 Q: NW1/4  
QQ: SE1/4

**5. Place of Use:** Total Acres: 102

Township: 45N	Range: 5W	Section: 22	Q: SE1/4	QQ: NW1/4	Acres: 1.6
Township: 45N	Range: 5W	Section: 22	Q: SW1/4	QQ: NE1/4	Acres: 29.7
Township: 45N	Range: 5W	Section: 22	Q: SW1/4	QQ: NW1/4	Acres: 26.7
Township: 45N	Range: 5W	Section: 22	Q: SW1/4	QQ: SE1/4	Acres: 31.0
Township: 45N	Range: 5W	Section: 22	Q: SW1/4	QQ: SW1/4	Acres: 12.9

See Attached Map

6. **Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 310

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).



d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

#### 11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."
- (b) I do      do not   X   wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Title and Organization:

  
\_\_\_\_\_  
Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.



Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

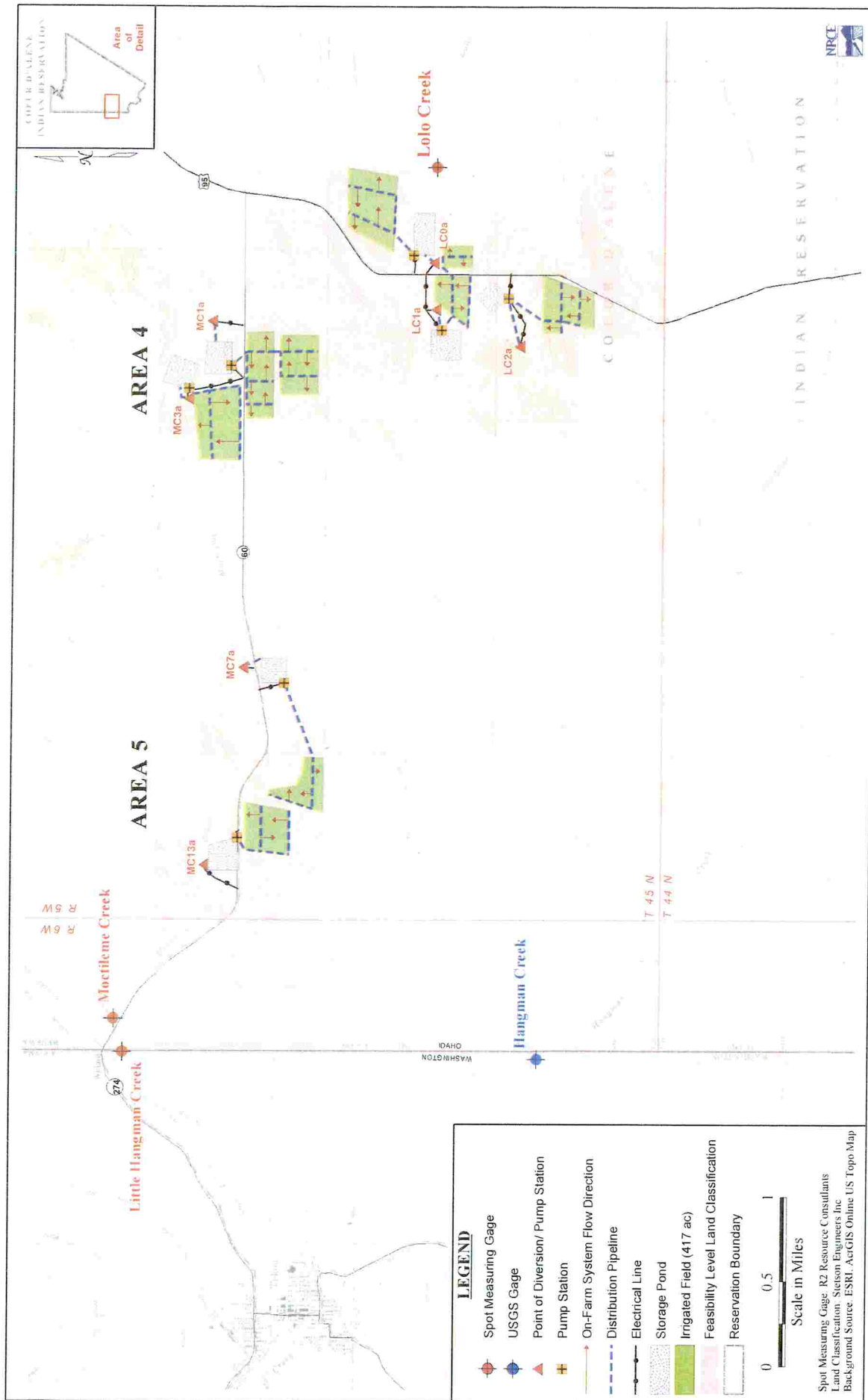
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Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )	<b>NOTICE OF CLAIM</b>
OF RIGHTS TO THE USE OF WATER )	
FROM THE COEUR D'ALENE- )	<b>Federal Reserved Water Right</b>
SPOKANE RIVER BASIN )	
WATER SYSTEM )	
)	
CASE NO. 49576 )	

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** Moccilleme Creek (Fed ID # MC3a)

**4. Point of Diversion:**

Township: 45N Range: 5W Section: 22 Q: NW1/4 QQ: NW1/4

Pond Storage Location –

Township: 45N Range: 5W Section: 22 Q: NW1/4 QQ: NE1/4

Township: 45N Range: 5W Section: 22 Q: NW1/4 QQ: NW1/4

**5. Place of Use:** Total Acres: 70

Township: 45N Range: 5W Section: 21 Q: NE1/4 QQ: NE1/4 Acres: 3.7

Township: 45N Range: 5W Section: 21 Q: NE1/4 QQ: SE1/4 Acres: 35.7

Township: 45N Range: 5W Section: 22 Q: NW1/4 QQ: NW1/4 Acres: 4.6

Township: 45N Range: 5W Section: 22 Q: NW1/4 QQ: SW1/4 Acres: 25.9

See Attached Map

6. **Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 225

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, *Indian Affairs: Laws and Treaties* 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

#### 11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."
- (b) I do     do not   X   wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Title and Organization:

  
\_\_\_\_\_  
Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.



Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

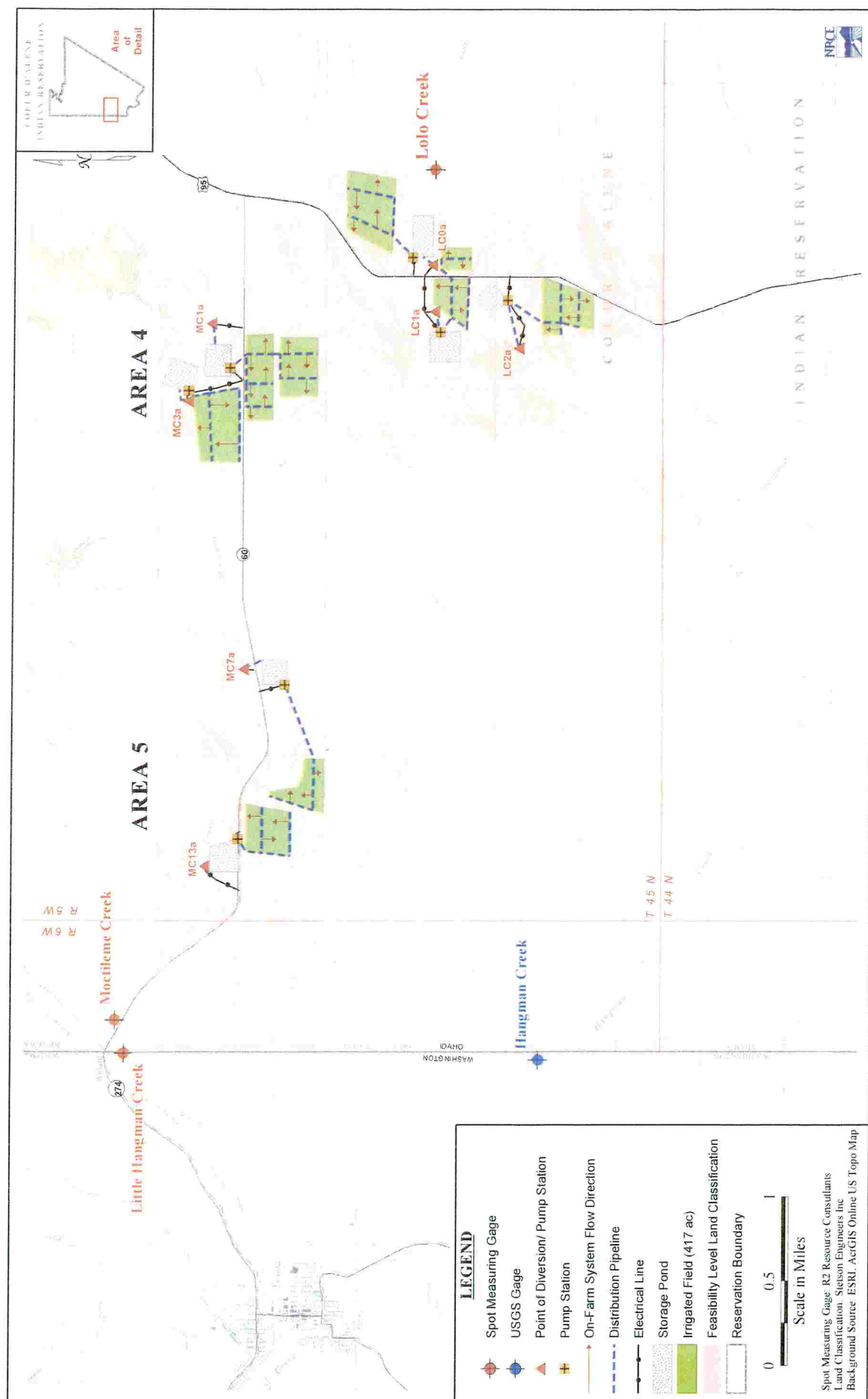
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Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )	<b>NOTICE OF CLAIM</b>
OF RIGHTS TO THE USE OF WATER )	
FROM THE COEUR D'ALENE- )	<b>Federal Reserved Water Right</b>
SPOKANE RIVER BASIN )	
WATER SYSTEM )	
) )	
CASE NO. 49576 )	

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** Moccilleme Creek (Fed ID # MC7a)

**4. Point of Diversion:**

Township: 45N Range: 5W Section: 20 Q: SE1/4 QQ: NW1/4

Pond Storage Location –

Township: 45N Range: 5W Section: 20 Q: SE1/4 QQ: NW1/4

Township: 45N Range: 5W Section: 20 Q: SE1/4 QQ: SW1/4

Township: 45N Range: 5W Section: 20 Q: SW1/4 QQ: NE1/4

Township: 45N Range: 5W Section: 20 Q: SW1/4 QQ: SE1/4

**5. Place of Use:** Total Acres: 34

Township: 45N Range: 5W Section: 19 Q: SE1/4 QQ: NE1/4 Acres: 2.0

Township: 45N Range: 5W Section: 19 Q: SE1/4 QQ: NW1/4 Acres: 0.1

Township: 45N Range: 5W Section: 19 Q: SE1/4 QQ: SE1/4 Acres: 24.2

Township: 45N Range: 5W Section: 19 Q: SE1/4 QQ: SW1/4 Acres: 7.7

See Attached Map

6. **Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 146

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of

the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe.” 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d’Alene Tribe held aboriginal title to “more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d’Alene and the St. Joe River.” *Idaho II*, 533 U.S. 262, 265 (2001). “Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities.” *Id.* at 265. “A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . .” *Id.* at 274.

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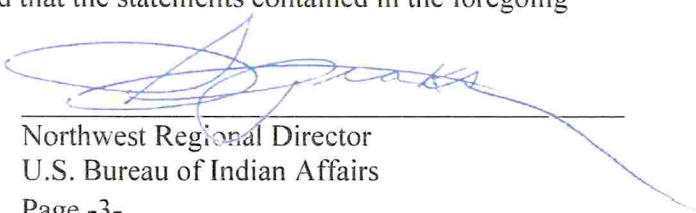
#### 11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do \_\_\_ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:  
Title and Organization:

  
\_\_\_\_\_  
Northwest Regional Director  
U.S. Bureau of Indian Affairs



Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

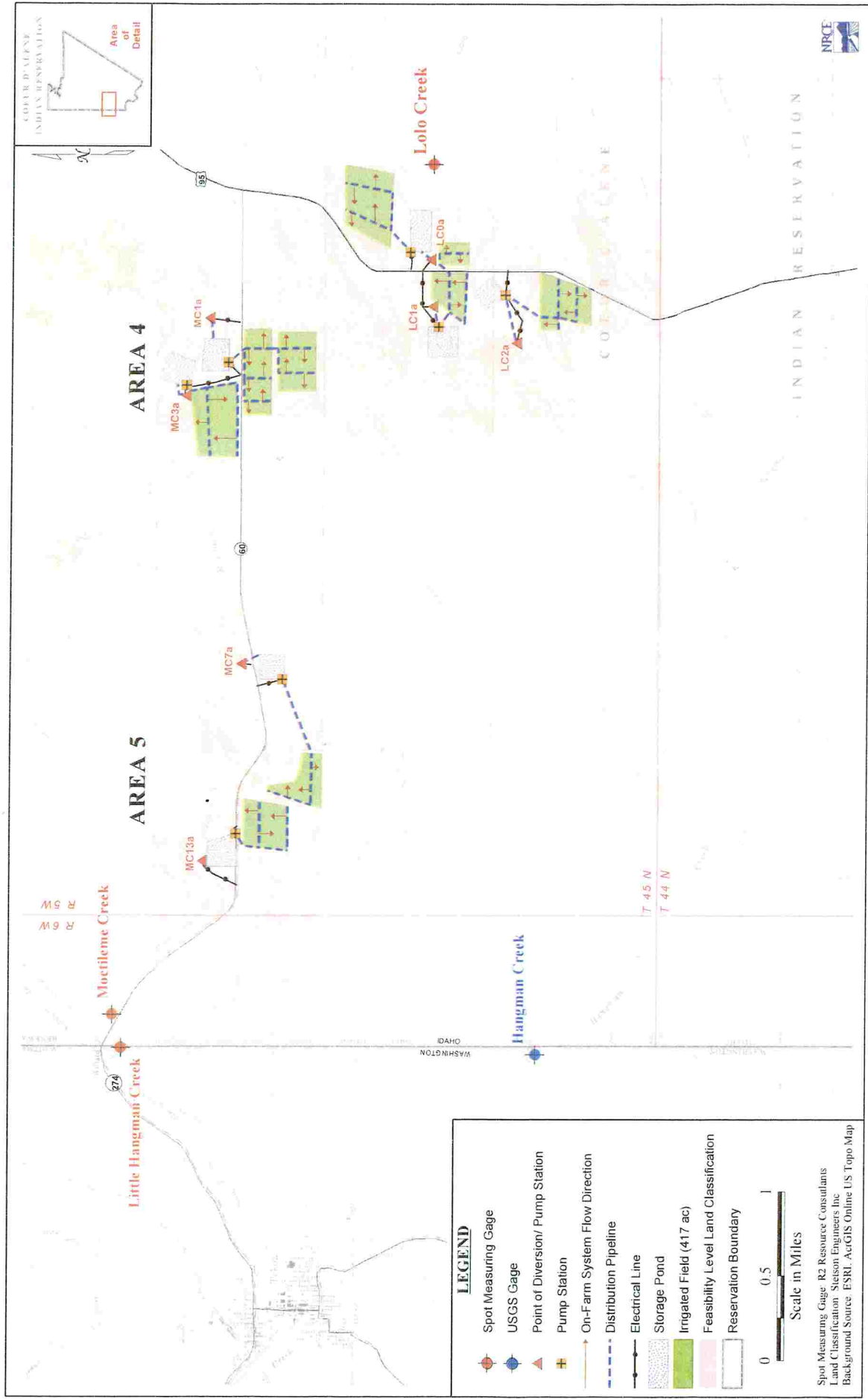
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Attorney for the United States of America

Dated this 30th day of January, 2014.



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )	<b>NOTICE OF CLAIM</b>
OF RIGHTS TO THE USE OF WATER )	
FROM THE COEUR D'ALENE- )	<b>Federal Reserved Water Right</b>
SPOKANE RIVER BASIN )	
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)	
CASE NO. 49576 )	

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** Mootileme Creek (Fed ID # MC13a)

**4. Point of Diversion:**

Township: 45N Range: 5W Section: 19 Q: NW1/4 QQ: SE1/4

Pond Storage Location –

Township: 45N Range: 5W Section: 19 Q: NE1/4 QQ: SW1/4

Township: 45N Range: 5W Section: 19 Q: NW1/4 QQ: SE1/4

**5. Place of Use:** Total Acres: 46

Township: 45N Range: 5W Section: 19 Q: SE1/4 QQ: NW1/4 Acres: 27.8

Township: 45N Range: 5W Section: 19 Q: SE1/4 QQ: SW1/4 Acres: 5.2

Township: 45N Range: 5W Section: 19 Q: SW1/4 QQ: NE1/4 Acres: 10.4

Township: 45N Range: 5W Section: 19 Q: SW1/4 QQ: SE1/4 Acres: 2.6

See Attached Map

6. **Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 189

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCM (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.


#### 11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."
- (b) I do    do not   X   wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:  
Title and Organization:

  
\_\_\_\_\_  
Northwest Regional Director  
U.S. Bureau of Indian Affairs



Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

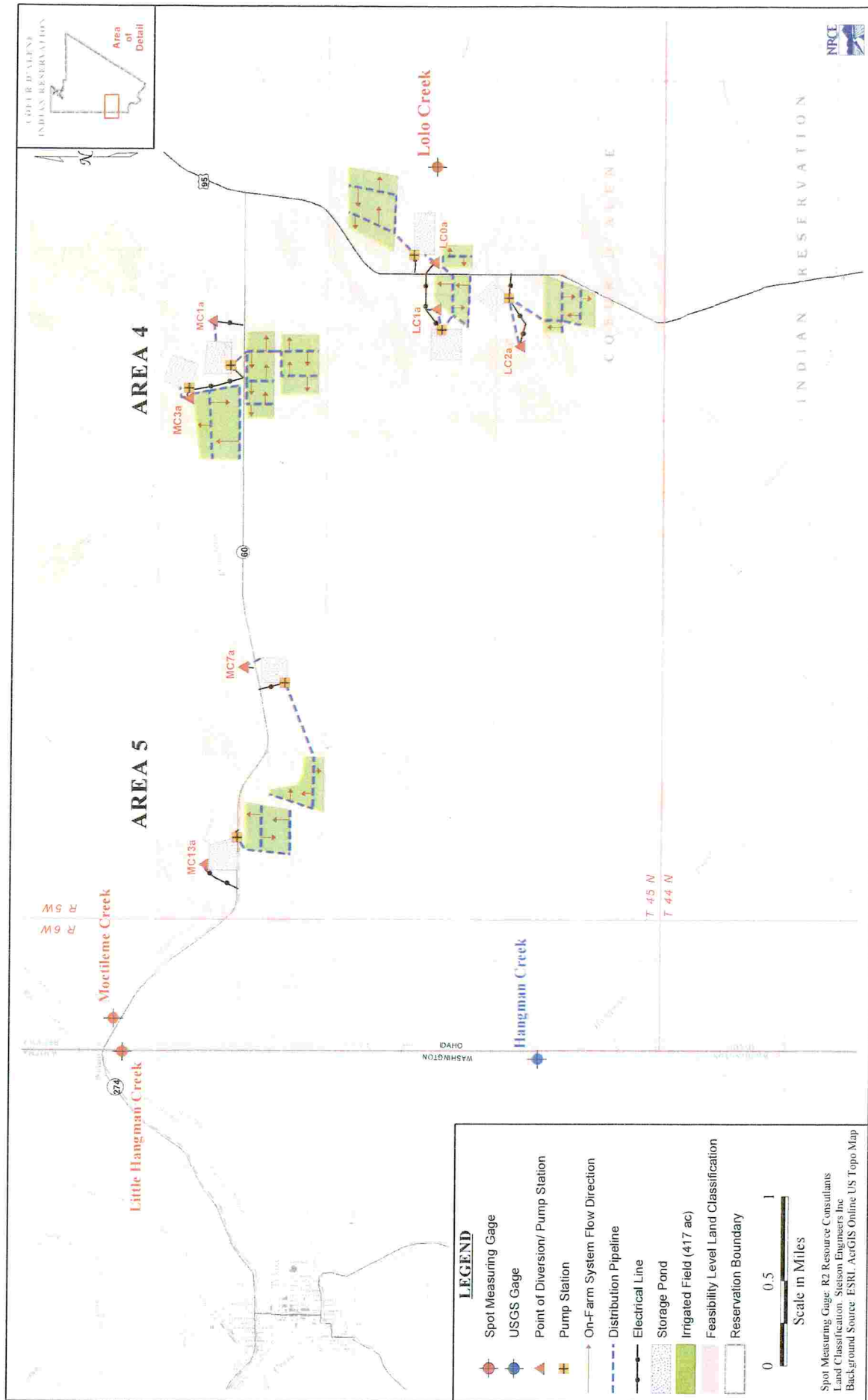
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE COEUR D'ALENE- )  
SPOKANE RIVER BASIN )  
WATER SYSTEM )  
 )  
 )  
CASE NO. 49576 )

## Federal Reserved Water Right

6. **Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 184

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern

Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

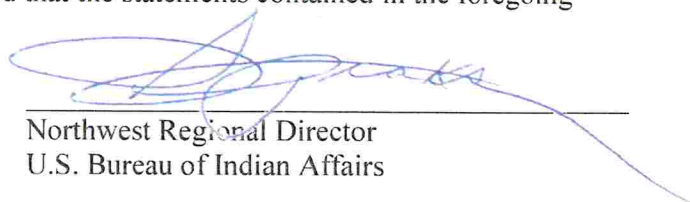
#### 11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."
- (b) I do    do not   X   wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:  
Title and Organization:

  
\_\_\_\_\_  
Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior,



Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

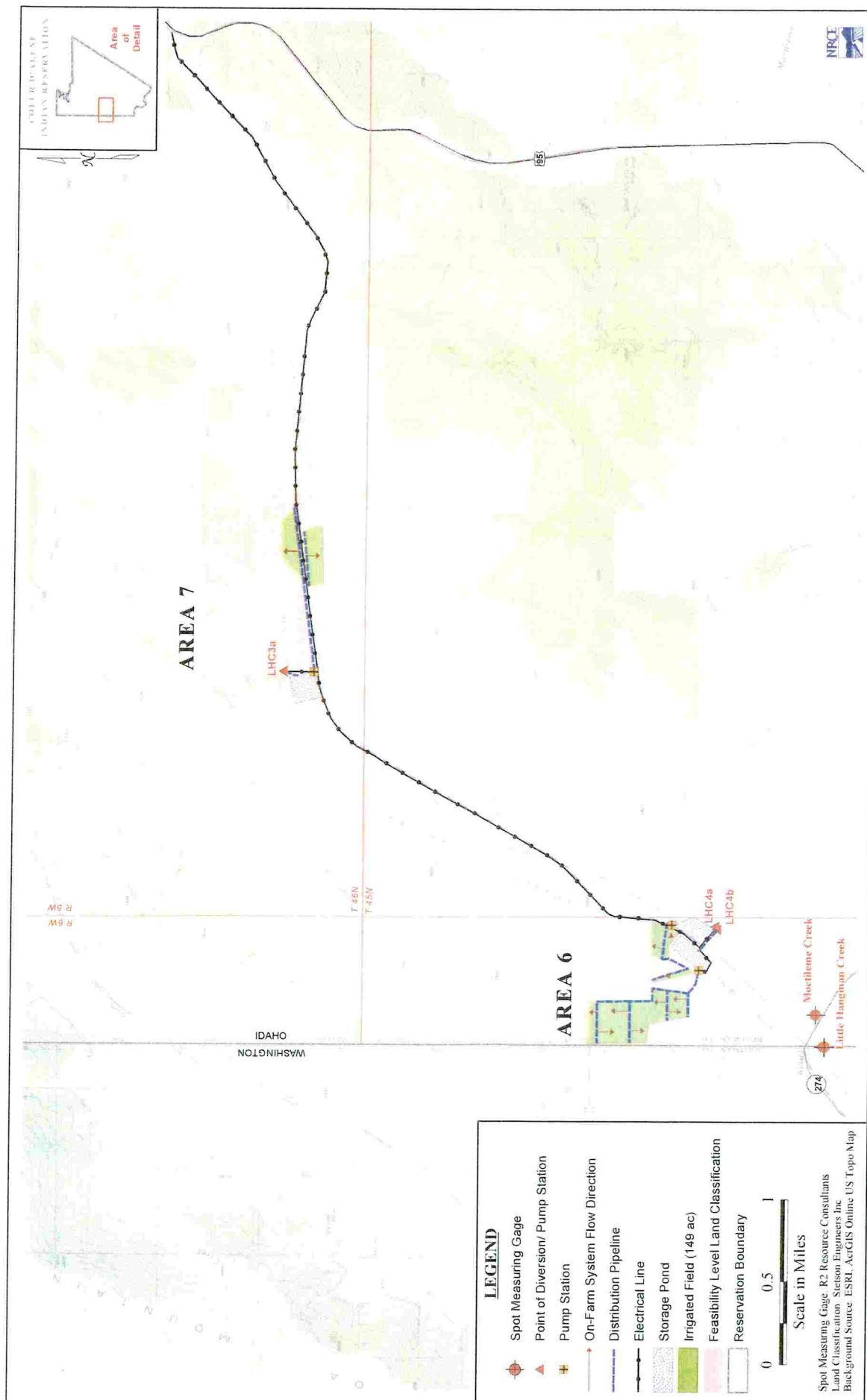
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE COEUR D'ALENE- )  
SPOKANE RIVER BASIN )  
WATER SYSTEM )  
 )  
 )  
CASE NO. 49576 )

## Federal Reserved Water Right

- Page -1-

Township: 45N Range: 6W Section: 12 Q: SW1/4 QQ: L4 Acres: 18.0

See Attached Map

6. **Purpose of Water Use:** Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d’Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 265

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d’Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d’Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d’Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d’Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d’Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d’Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d’Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d’Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that “a purpose of

the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe.” 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d’Alene Tribe held aboriginal title to “more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d’Alene and the St. Joe River.” *Idaho II*, 533 U.S. 262, 265 (2001). “Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities.” *Id.* at 265. “A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . .” *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, *Indian Affairs: Laws and Treaties* 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d’Alene Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute’s terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d’Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d’Alene Tribe.

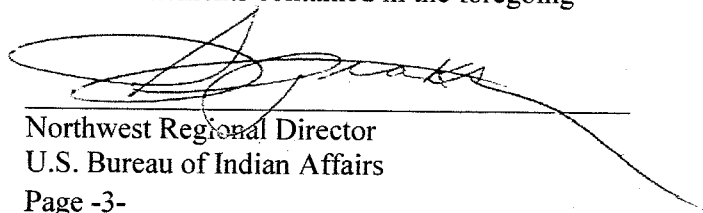
#### 11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do \_\_\_ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:  
Title and Organization:

  
\_\_\_\_\_  
Northwest Regional Director  
U.S. Bureau of Indian Affairs  
Page -3-



Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

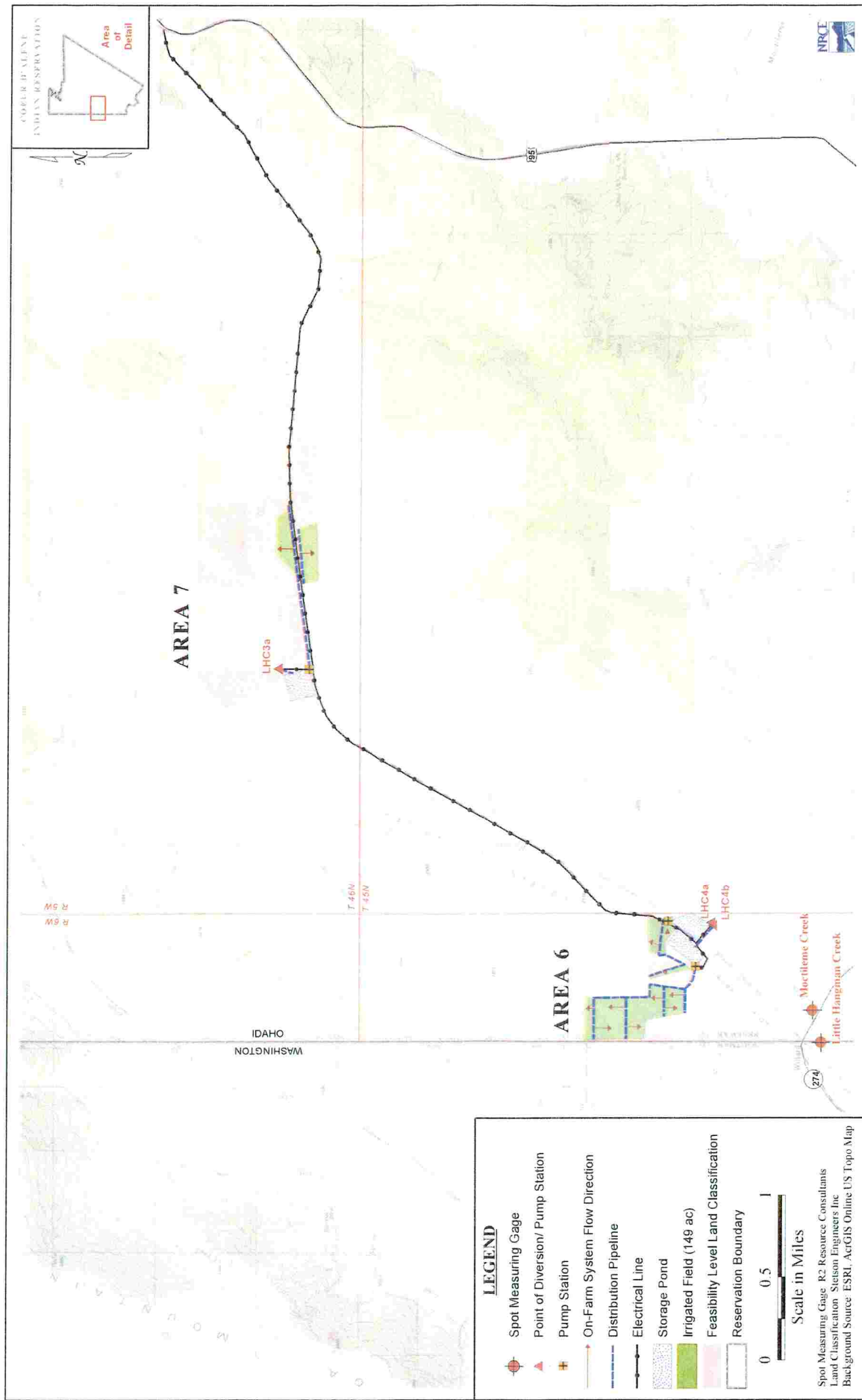


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Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE COEUR D'ALENE- )  
SPOKANE RIVER BASIN )  
WATER SYSTEM )  
CASE NO. 49576 )

**NOTICE OF CLAIM**

**Federal Reserved Water Right**

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** Little Hangman Creek (Fed ID # LHC4b)

**4. Point of Diversion:**

Township: 45N Range: 6W Section: 13 Q: NE1/4 QQ: NE1/4

Pond Storage Location –

Township: 45N Range: 5W Section: 7 Q: SW1/4 QQ: L4

Township: 45N Range: 5W Section: 18 Q: NW1/4 QQ: L1

Township: 45N Range: 6W Section: 12 Q: SE1/4 QQ: SE1/4

Township: 45N Range: 6W Section: 13 Q: NE1/4 QQ: NE1/4

**5. Place of Use:** Total Acres: 20

Township: 45N Range: 6W Section: 12 Q: SE1/4 QQ: SE1/4 Acres: 15.9

Township: 45N Range: 6W Section: 12 Q: SE1/4 QQ: SW1/4 Acres: 4.1

See Attached Map

6. **Purpose of Water Use:** Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d’Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 98

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d’Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d’Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d’Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d’Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d’Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that “a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe.” 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).



d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, *Indian Affairs: Laws and Treaties* 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.


**11. Signatures:**

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."
- (b) I do \_\_\_ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:  
Title and Organization:

  
\_\_\_\_\_  
Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.



Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

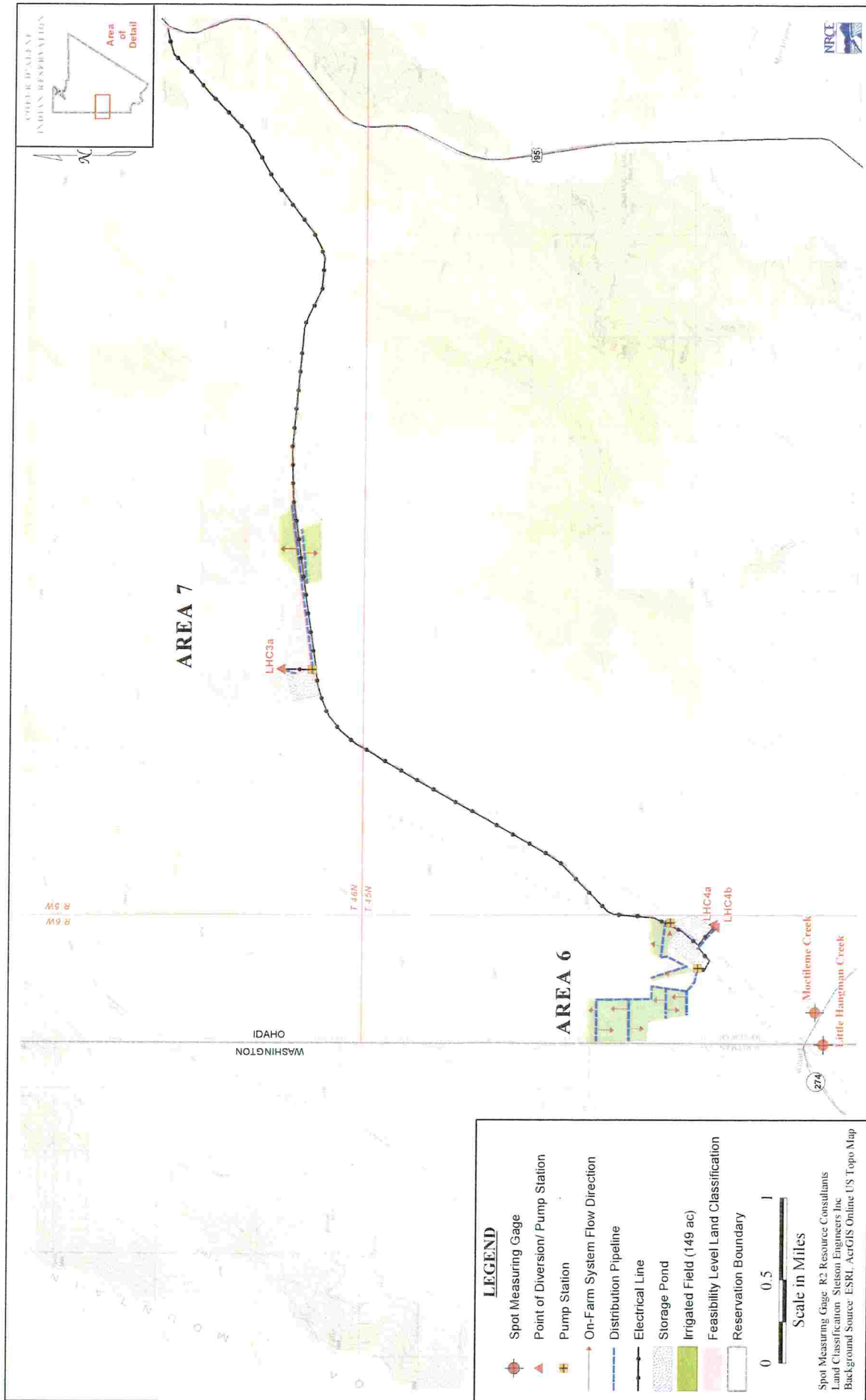
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE COEUR D'ALENE- )  
SPOKANE RIVER BASIN )  
WATER SYSTEM )  
CASE NO. 49576 )

**NOTICE OF CLAIM**

**Federal Reserved Water Right**

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** Rose Creek and Groundwater (Fed ID # RsC3a)

**4. Point of Diversion:**

Surface Water - Township: 47N Range: 6W Section: 36 Q: NE1/4 QQ: SW1/4  
Groundwater - Township: 47N Range: 6W Section: 36 Q: SE1/4 QQ: NW1/4

Pond Storage Location -

Township: 47N Range: 6W Section: 36 Q: NE1/4 QQ: SW1/4  
Township: 47N Range: 6W Section: 36 Q: SE1/4 QQ: NW1/4

**5. Place of Use:** Total Acres: 66

Township: 47N Range: 5W Section: 31 Q: SW1/4 QQ: L4 Acres: 28.1  
Township: 47N Range: 6W Section: 36 Q: SE1/4 QQ: NE1/4 Acres: 13.9  
Township: 47N Range: 6W Section: 36 Q: SE1/4 QQ: SE1/4 Acres: 23.9

See Attached Map

6. **Purpose of Water Use:** Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d’Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 222

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d’Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d’Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d’Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d’Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d’Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d’Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d’Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d’Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that “a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe.” 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).



d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, *Indian Affairs: Laws and Treaties* 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

#### 11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."
- (b) I do    do not   X   wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:  
Title and Organization:

  
\_\_\_\_\_  
Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.



Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

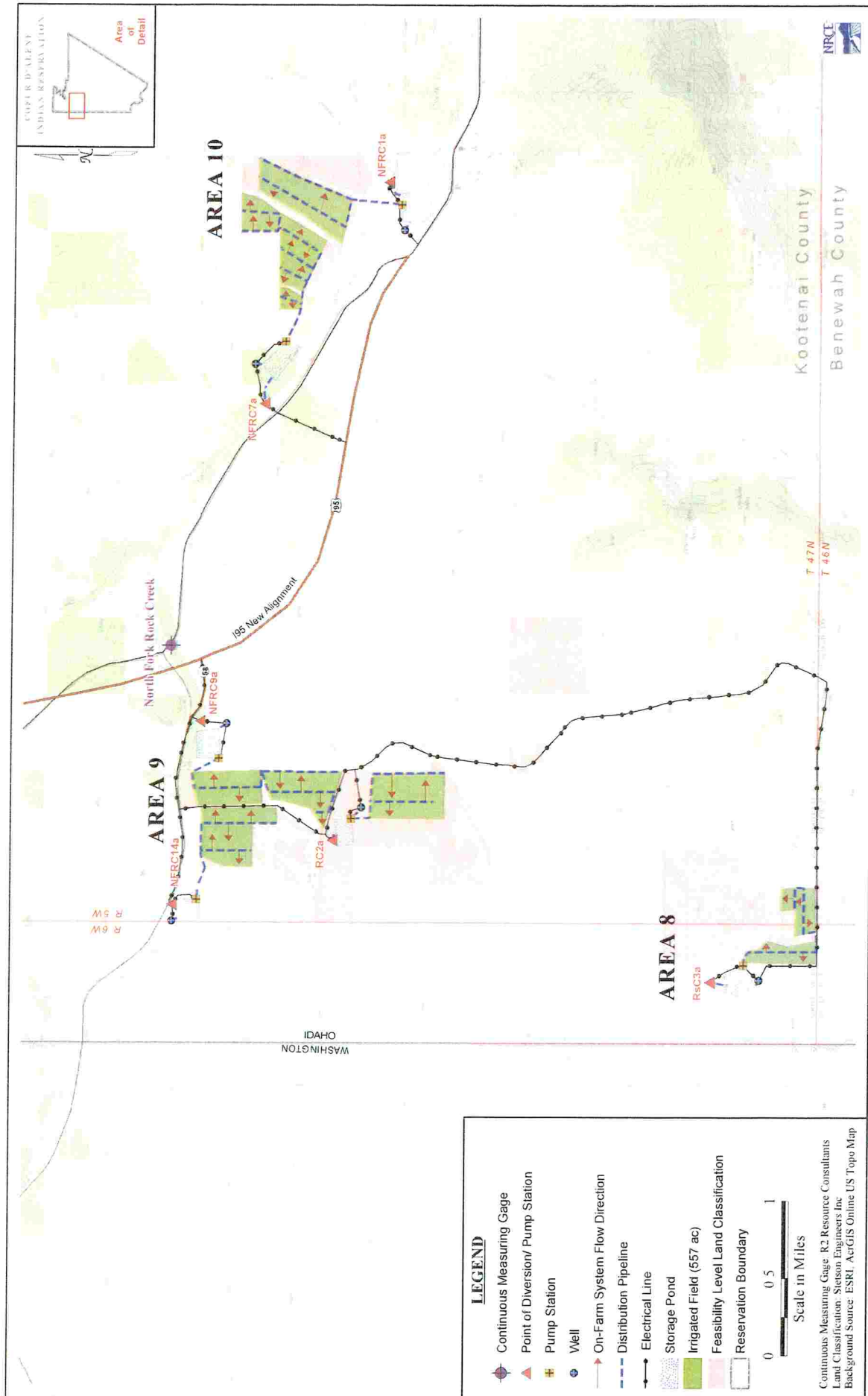
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout with additional Groundwater Supply - North Fork Rock Creek, Rock Creek and Rose Creek - Area 8, Area 9 and Area 10

December 2013

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )	<b>NOTICE OF CLAIM</b>
OF RIGHTS TO THE USE OF WATER )	
FROM THE COEUR D'ALENE- )	<b>Federal Reserved Water Right</b>
SPOKANE RIVER BASIN )	
WATER SYSTEM )	
)	
CASE NO. 49576 )	

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** Rock Creek and Groundwater (Fed ID # RC2a)

**4. Point of Diversion:**

Surface Water - Township: 47N Range: 5W Section: 18 Q: SE1/4 QQ: SW1/4  
Groundwater - Township: 47N Range: 5W Section: 19 Q: NE1/4 QQ: NE1/4

Pond Storage Location – Township: 47N Range: 5W Section: 18 Q: SE1/4 QQ: SW1/4

**5. Place of Use:** Total Acres: 88

Township: 47N	Range: 5W	Section: 19	Q: NE1/4	QQ: NE1/4	Acres: 20.2
Township: 47N	Range: 5W	Section: 19	Q: NE1/4	QQ: NW1/4	Acres: 5.2
Township: 47N	Range: 5W	Section: 19	Q: NE1/4	QQ: SE1/4	Acres: 37.3
Township: 47N	Range: 5W	Section: 19	Q: NE1/4	QQ: SW1/4	Acres: 9.3
Township: 47N	Range: 5W	Section: 19	Q: SE1/4	QQ: NE1/4	Acres: 12.7
Township: 47N	Range: 5W	Section: 19	Q: SE1/4	QQ: NW1/4	Acres: 3.2

See Attached Map

6. **Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 270

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).



d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, *Indian Affairs: Laws and Treaties* 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

#### 11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."
- (b) I do    do not   X   wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:  
Title and Organization:

  
\_\_\_\_\_  
Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.



Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

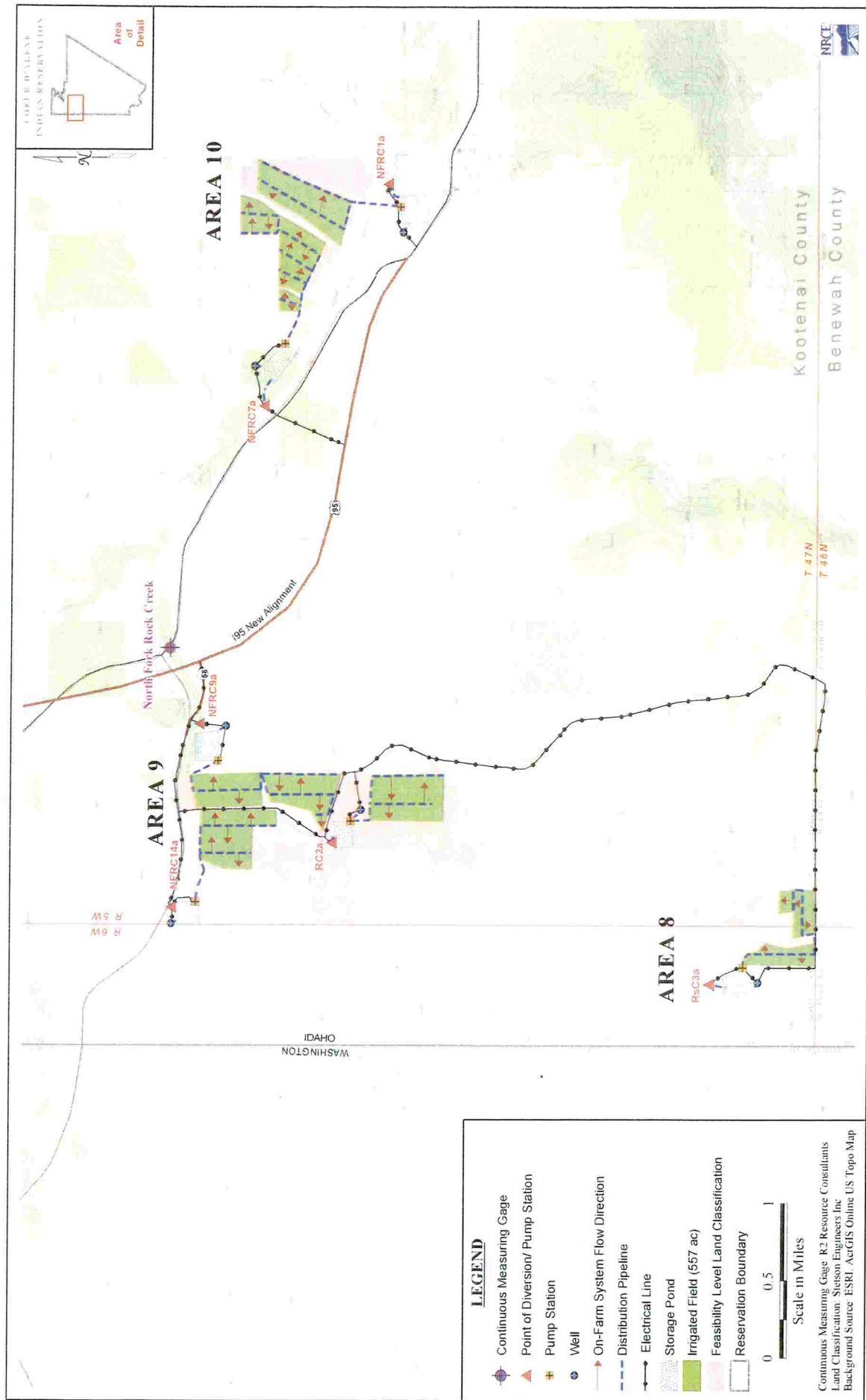
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Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout with additional Groundwater Supply.  
North Fork Rock Creek, Rock Creek and Rose Creek - Area 8, Area 9 and Area 10

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )	<b>NOTICE OF CLAIM</b>
OF RIGHTS TO THE USE OF WATER )	
FROM THE COEUR D'ALENE- )	<b>Federal Reserved Water Right</b>
SPOKANE RIVER BASIN )	
WATER SYSTEM )	
) )	
CASE NO. 49576 )	

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** North Fork, Rock Creek and Groundwater (Fed ID # NFRC9a)

**4. Point of Diversion:**

Surface Water - Township: 47N Range: 5W Section: 8 Q: SW1/4 QQ: SE1/4  
Groundwater - Township: 47N Range: 5W Section: 17 Q: NW1/4 QQ: NE1/4

**Pond Storage Location -**

Township: 47N Range: 5W Section: 17 Q: NW1/4 QQ: NE1/4  
Township: 47N Range: 5W Section: 17 Q: NW1/4 QQ: NW1/4  
Township: 47N Range: 5W Section: 8 Q: SW1/4 QQ: SE1/4  
Township: 47N Range: 5W Section: 8 Q: SW1/4 QQ: SW1/4

**5. Place of Use:** Total Acres: 126

Township: 47N Range: 5W Section: 7 Q: SE1/4 QQ: SE1/4 Acres: 5.8  
Township: 47N Range: 5W Section: 18 Q: NE1/4 QQ: NE1/4 Acres: 33.7

Township: 47N	Range: 5W	Section: 18	Q: NE1/4	QQ: SE1/4	Acres: 28.0
Township: 47N	Range: 5W	Section: 18	Q: SE1/4	QQ: NE1/4	Acres: 33.5
Township: 47N	Range: 5W	Section: 18	Q: SE1/4	QQ: NW1/4	Acres: 0.2
Township: 47N	Range: 5W	Section: 18	Q: SE1/4	QQ: SE1/4	Acres: 20.6
Township: 47N	Range: 5W	Section: 18	Q: SE1/4	QQ: SW1/4	Acres: 4.2

See Attached Map

**6. Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31

**8. Quantity Reserved:** Acre Feet: 375

**9. Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

#### 11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."
- (b) I do \_\_\_ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.



Signature of Authorized Agent:  
Title and Organization:




---

Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



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Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout with additional Groundwater Supply.  
North Fork Rock Creek, Rock Creek and Rose Creek - Area 8, Area 9 and Area 10

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE COEUR D'ALENE- )  
SPOKANE RIVER BASIN )  
WATER SYSTEM )  
 )  
CASE NO. 49576 )

**NOTICE OF CLAIM**

**Federal Reserved Water Right**

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** North Fork, Rock Creek and Groundwater (Fed ID # NFRC14a)

**4. Point of Diversion:**

Surface Water - Township: 47N Range: 5W Section: 7 Q: SW1/4 QQ: L4  
Groundwater - Township: 47N Range: 5W Section: 7 Q: SW1/4 QQ: L4

Pond Storage Location – Township: 47N Range: 5W Section: 7 Q: SW1/4 QQ: L4

**5. Place of Use:** Total Acres: 88

Township: 47N Range: 5W Section: 18 Q: NE1/4 QQ: NE1/4 Acres: 1.4  
Township: 47N Range: 5W Section: 18 Q: NE1/4 QQ: NW1/4 Acres: 39.1  
Township: 47N Range: 5W Section: 18 Q: NE1/4 QQ: SE1/4 Acres: 1.4  
Township: 47N Range: 5W Section: 18 Q: NE1/4 QQ: SW1/4 Acres: 24.1  
Township: 47N Range: 5W Section: 18 Q: NW1/4 QQ: NE1/4 Acres: 15.0  
Township: 47N Range: 5W Section: 18 Q: NW1/4 QQ: SE1/4 Acres: 7.0

See Attached Map

6. **Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 270

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

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**11. Signatures:**

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- (b) I do    do not   X   wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:  
Title and Organization:

  
\_\_\_\_\_  
Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.



Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

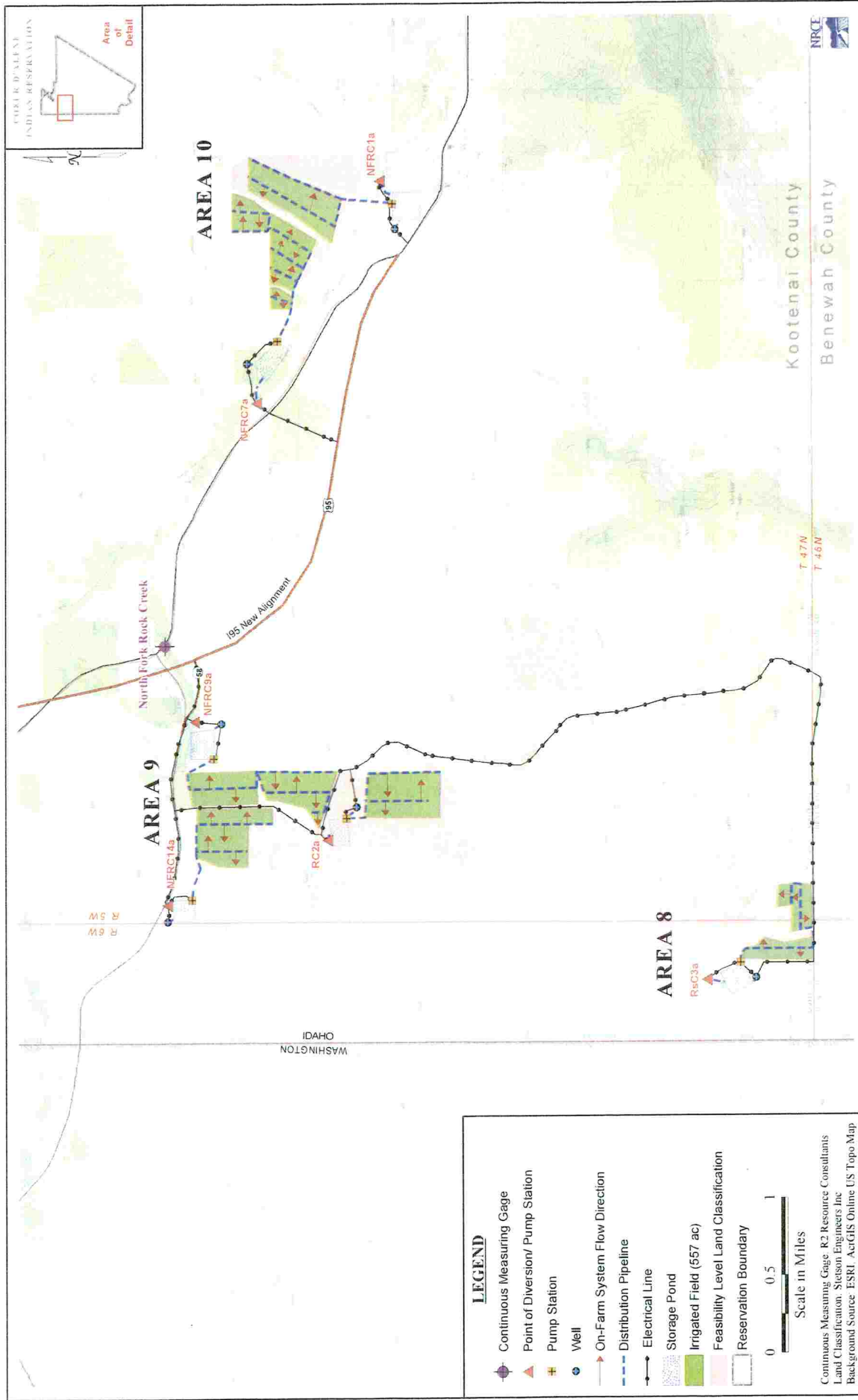
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United States Department of Justice  
Environment & Natural Resources Division  
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Attorney for the United States of America

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Coeur d'Alene Reservation - PIA Project Layout with additional Groundwater Supply.  
North Fork Rock Creek, Rock Creek and Rose Creek - Area 8, Area 9 and Area 10

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION ) OF RIGHTS TO THE USE OF WATER ) FROM THE COEUR D'ALENE- ) SPOKANE RIVER BASIN ) WATER SYSTEM ) CASE NO. 49576 )	<b>NOTICE OF CLAIM</b>  <b>Federal Reserved Water Right</b>
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**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** North Fork, Rock Creek and Groundwater (Fed ID # NFRC1a)

**4. Point of Diversion:**

Surface Water - Township: 47N Range: 5W Section: 23 Q: NE1/4 QQ: NE1/4  
Groundwater - Township: 47N Range: 5W Section: 23 Q: NE1/4 QQ: SW1/4

Pond Storage Location – Township: 47N Range: 5W Section: 23 Q: NE1/4  
QQ: SW1/4

**5. Place of Use:** Total Acres: 90

Township: 47N	Range: 5W	Section: 14	Q: NE1/4	QQ: SE1/4	Acres: 17.1
Township: 47N	Range: 5W	Section: 14	Q: NE1/4	QQ: SW1/4	Acres: 1.7
Township: 47N	Range: 5W	Section: 14	Q: SE1/4	QQ: NE1/4	Acres: 17.0
Township: 47N	Range: 5W	Section: 14	Q: SE1/4	QQ: NW1/4	Acres: 20.2
Township: 47N	Range: 5W	Section: 14	Q: SE1/4	QQ: SE1/4	Acres: 2.0

Township: 47N Range: 5W Section: 14 Q: SE1/4 QQ: SW1/4 Acres: 29.3  
Township: 47N Range: 5W Section: 14 Q: SW1/4 QQ: SE1/4 Acres: 2.6

See Attached Map

**6. Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

**7. Period of Use:** January 1 through December 31

**8. Quantity Reserved:** Acre Feet: 332

**9. Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

**10. Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding,

the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

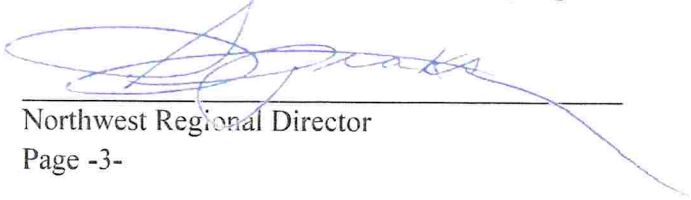
#### 11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."
- (b) I do ☐ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:  
Title and Organization:

  
Northwest Regional Director



U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

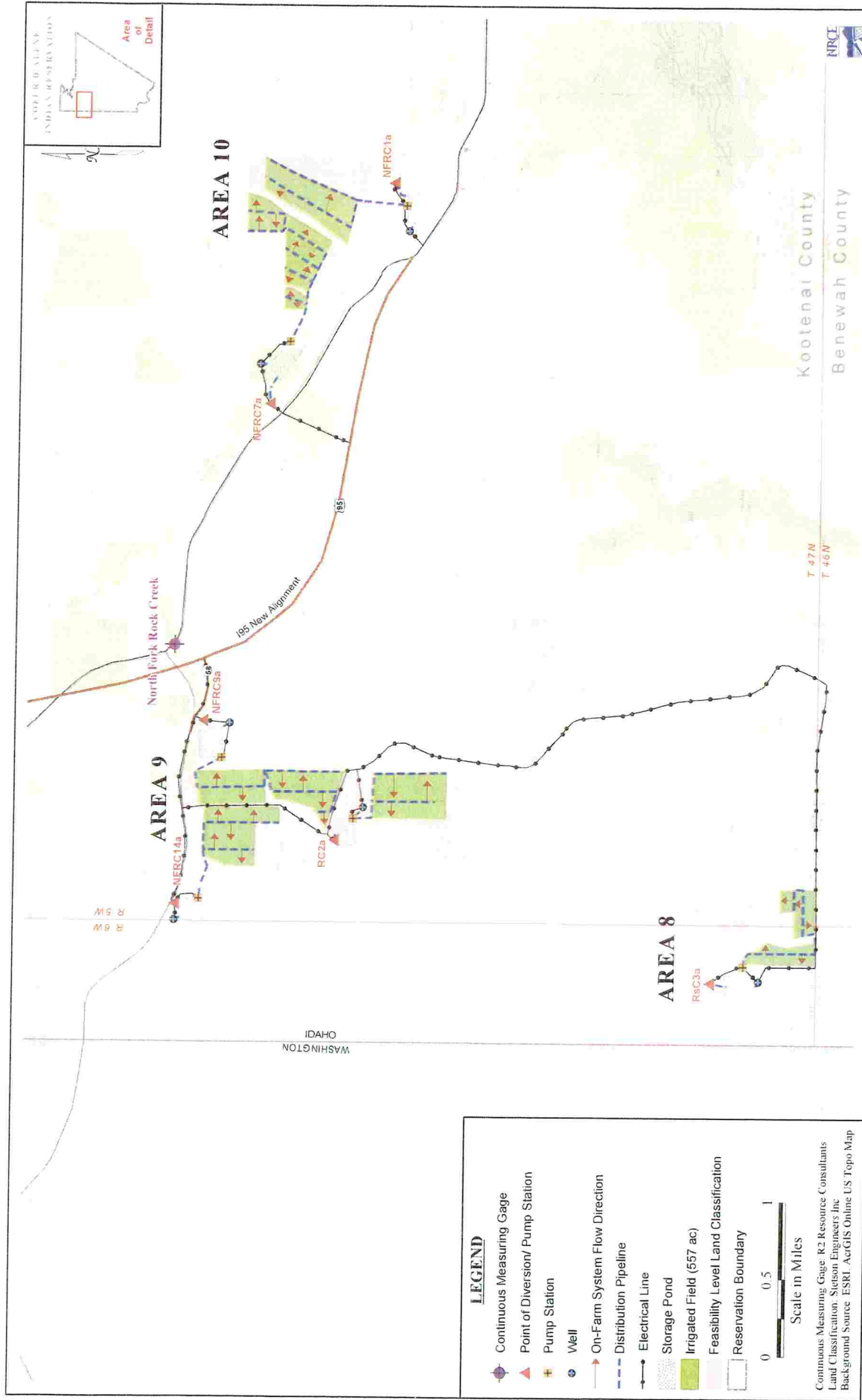
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout with additional Groundwater Supply, North Fork Rock Creek, Rock Creek and Rose Creek - Area 8, Area 9 and Area 10

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE COEUR D'ALENE- )  
SPOKANE RIVER BASIN )  
WATER SYSTEM )  
CASE NO. 49576 )

**NOTICE OF CLAIM**

**Federal Reserved Water Right**

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** North Fork, Rock Creek and Groundwater (Fed ID # NFRC7a)

**4. Point of Diversion:**

Surface Water - Township: 47N Range: 5W Section: 15 Q: NW1/4 QQ: SE1/4  
Groundwater - Township: 47N Range: 5W Section: 15 Q: NE1/4 QQ: SW1/4

**Pond Storage Location –**

Township: 47N Range: 5W Section: 15 Q: NE1/4 QQ: SW1/4  
Township: 47N Range: 5W Section: 15 Q: SE1/4 QQ: NE1/4  
Township: 47N Range: 5W Section: 15 Q: SE1/4 QQ: NW1/4

**5. Place of Use:** Total Acres: 99

Township: 47N Range: 5W Section: 14 Q: NE1/4 QQ: SW1/4 Acres: 29.5  
Township: 47N Range: 5W Section: 14 Q: SE1/4 QQ: NW1/4 Acres: 7.7  
Township: 47N Range: 5W Section: 14 Q: SW1/4 QQ: NE1/4 Acres: 37.4

Township: 47N Range: 5W Section: 14 Q: SW1/4 QQ: NW1/4 Acres: 22.0  
Township: 47N Range: 5W Section: 14 Q: SW1/4 QQ: SE1/4 Acres: 2.4

See Attached Map

6. **Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 299

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding,

the Supreme Court affirmed the opinion of the district court, which had found that “a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe.” 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d’Alene Tribe held aboriginal title to “more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d’Alene and the St. Joe River.” *Idaho II*, 533 U.S. 262, 265 (2001). “Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities.” *Id.* at 265. “A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . .” *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, *Indian Affairs: Laws and Treaties* 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d’Alene Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute’s terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d’Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d’Alene Tribe.

#### **11. Signatures:**

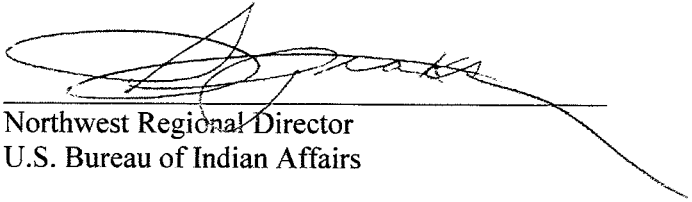
- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do \_\_\_ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.



Signature of Authorized Agent:  
Title and Organization:




---

Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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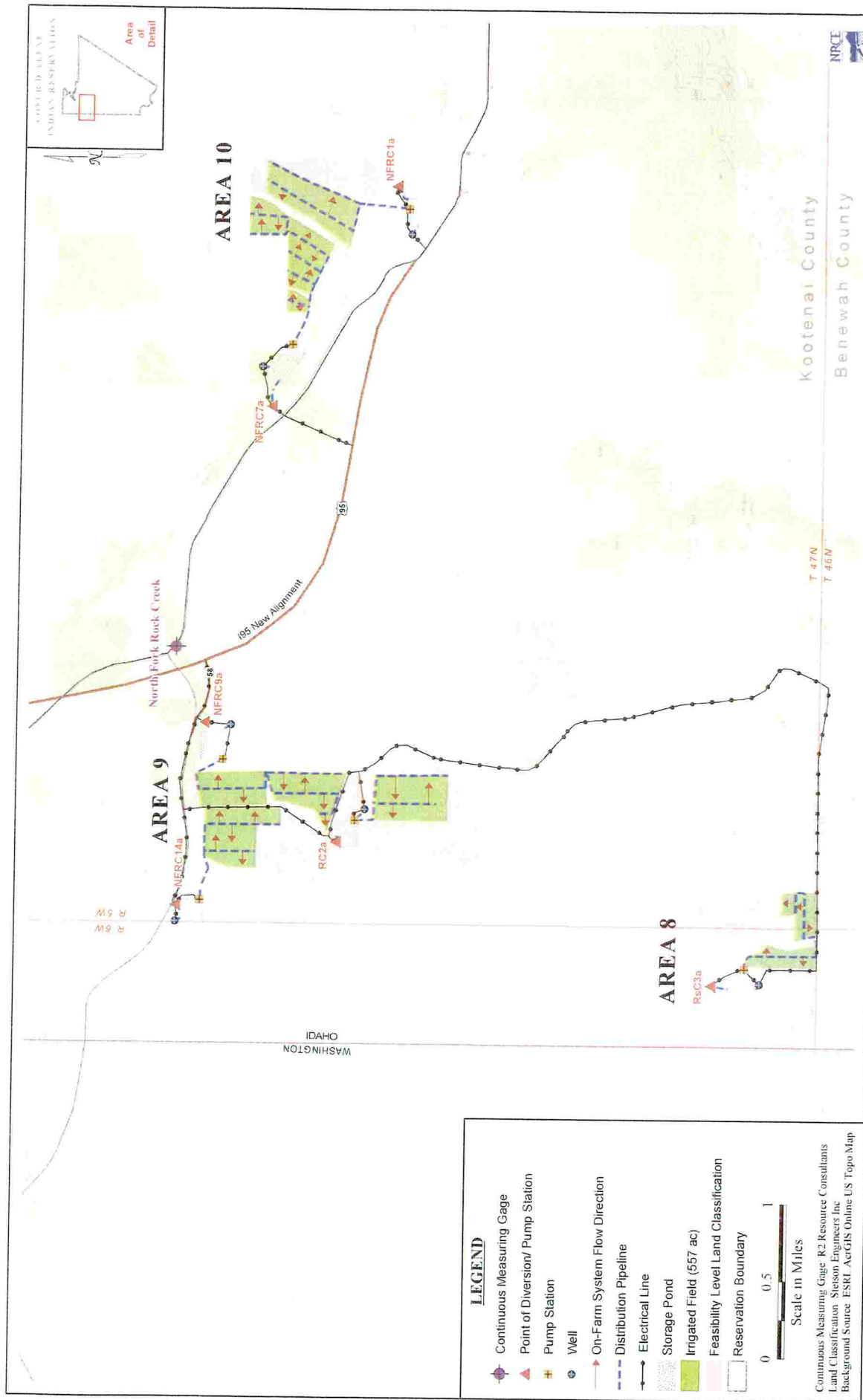


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Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



Coeur d'Alene Reservation - PIA Project Layout with additional Groundwater Supply.  
North Fork Rock Creek, Rock Creek and Rose Creek - Area 8, Area 9 and Area 10

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )	<b>NOTICE OF CLAIM</b>
OF RIGHTS TO THE USE OF WATER )	
FROM THE COEUR D'ALENE- )	<b>Federal Reserved Water Right</b>
SPOKANE RIVER BASIN )	
WATER SYSTEM )	
) )	
CASE NO. 49576 )	

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** Benewah Creek (Fed ID # BC3a)

**4. Point of Diversion:**

Township: 45N Range: 4W Section: 24 Q: NW1/4 QQ: NE1/4

**5. Place of Use:** Total Acres: 44

Township: 45N Range: 4W Section: 24 Q: NW1/4 QQ: NW1/4 Acres: 21.4  
Township: 45N Range: 4W Section: 24 Q: NW1/4 QQ: SW1/4 Acres: 22.6

See Attached Map

**6. Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 109

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

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**11. Signatures:**


- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."
- (b) I do \_\_\_ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

**For Organizations:**

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Title and Organization:

  
\_\_\_\_\_  
Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.



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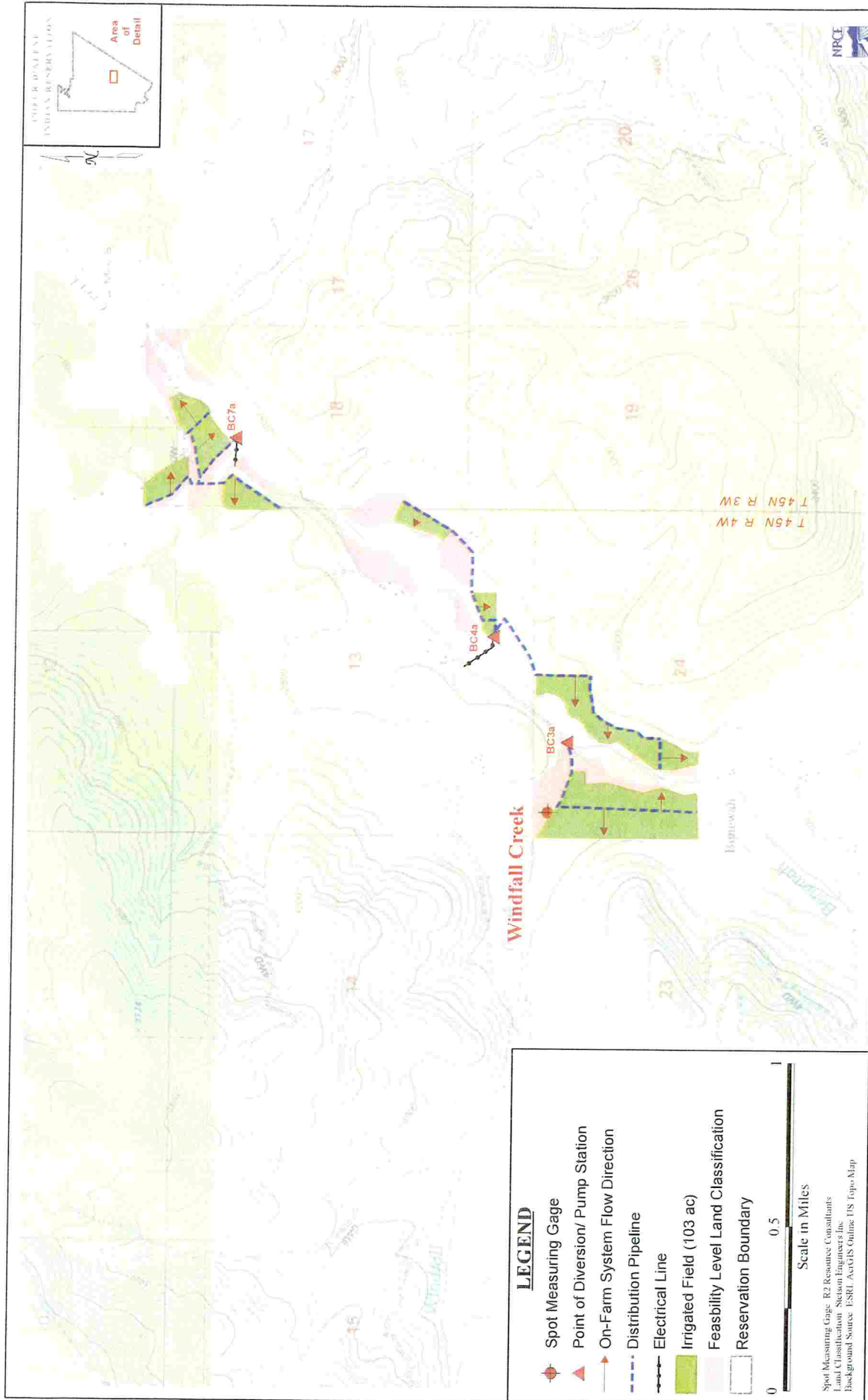


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Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )	<b>NOTICE OF CLAIM</b>
OF RIGHTS TO THE USE OF WATER )	
FROM THE COEUR D'ALENE- )	<b>Federal Reserved Water Right</b>
SPOKANE RIVER BASIN )	
WATER SYSTEM )	
) )	
CASE NO. 49576 )	

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** Benewah Creek (Fed ID # BC4a)

**4. Point of Diversion:**

Township: 45N Range: 4W Section: 13 Q: SE1/4 QQ: SW1/4

**5. Place of Use:** Total Acres: 33

Township: 45N	Range: 3W	Section: 18	Q: SW1/4	QQ: L4	Acres: 0.6
Township: 45N	Range: 4W	Section: 13	Q: SE1/4	QQ: NE1/4	Acres: 4.5
Township: 45N	Range: 4W	Section: 13	Q: SE1/4	QQ: SW1/4	Acres: 4.0
Township: 45N	Range: 4W	Section: 24	Q: NW1/4	QQ: NE1/4	Acres: 13.6
Township: 45N	Range: 4W	Section: 24	Q: NW1/4	QQ: SE1/4	Acres: 7.1
Township: 45N	Range: 4W	Section: 24	Q: NW1/4	QQ: SW1/4	Acres: 3.2

See Attached Map

6. **Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 62

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

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d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern



Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, *Indian Affairs: Laws and Treaties* 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.


#### 11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."
- (b) I do \_\_\_ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:  
Title and Organization:

  
\_\_\_\_\_  
Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior,



Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

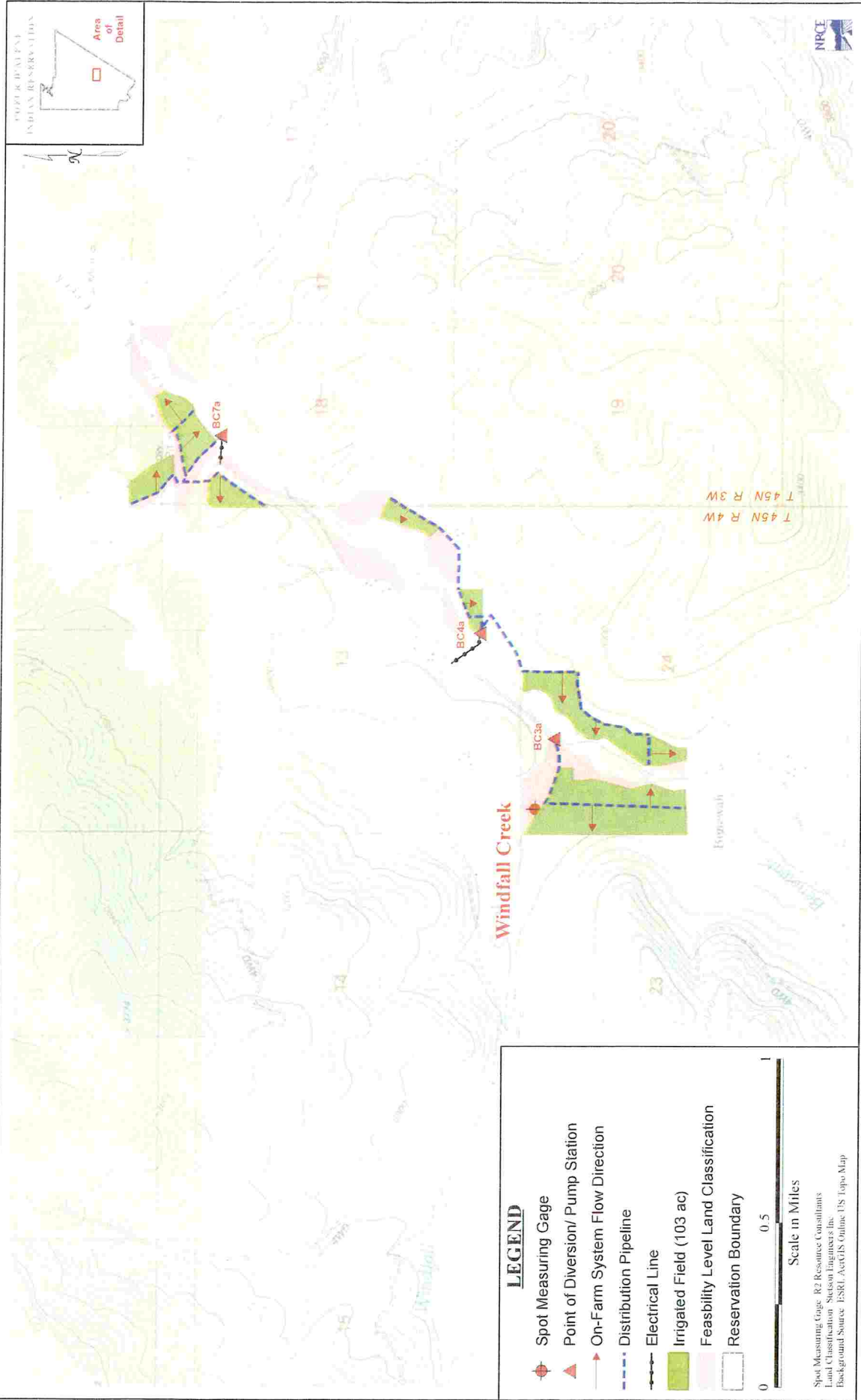


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Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )	<b>NOTICE OF CLAIM</b>
OF RIGHTS TO THE USE OF WATER )	
FROM THE COEUR D'ALENE- )	<b>Federal Reserved Water Right</b>
SPOKANE RIVER BASIN )	
WATER SYSTEM )	
CASE NO. 49576 )	

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** Benewah Creek (Fed ID # BC7a)

**4. Point of Diversion:**

Township: 45N Range: 3W Section: 18 Q: NE1/4 QQ: L2

**5. Place of Use:** Total Acres: 26

Township: 45N	Range: 3W	Section: 18	Q: NE1/4	QQ: NE1/4	Acres: 2.4
Township: 45N	Range: 3W	Section: 18	Q: NE1/4	QQ: L1	Acres: 15.6
Township: 45N	Range: 3W	Section: 18	Q: NE1/4	QQ: L2	Acres: 1.9
Township: 45N	Range: 3W	Section: 18	Q: NW1/4	QQ: L1	Acres: 1.7
Township: 45N	Range: 3W	Section: 18	Q: NW1/4	QQ: L2	Acres: 4.5

See Attached Map

6. **Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 69

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern

Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, *Indian Affairs: Laws and Treaties* 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

#### 11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."
- (b) I do    do not   X   wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:  
Title and Organization:

  
\_\_\_\_\_  
Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior,



Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

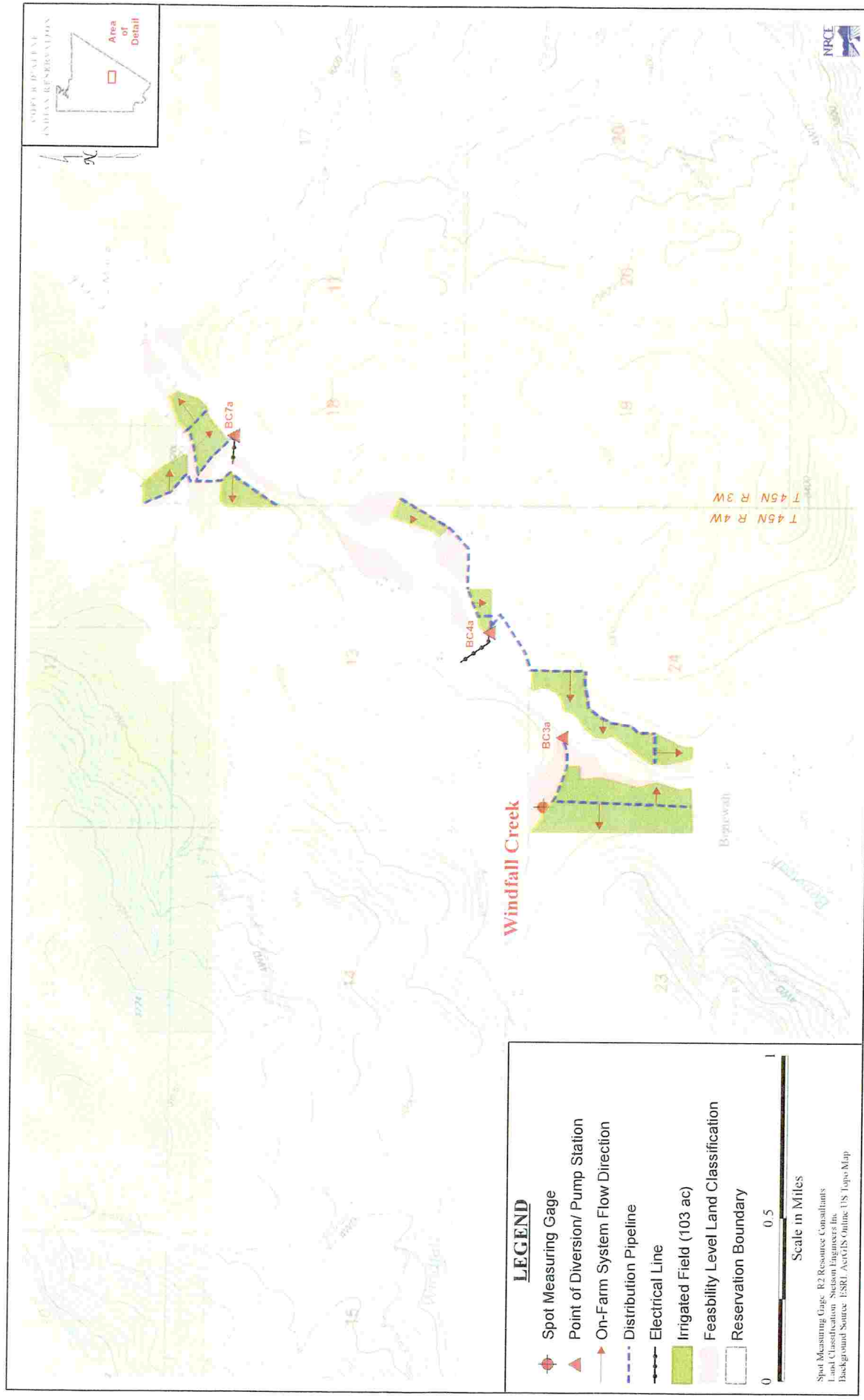


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Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )	<b>NOTICE OF CLAIM</b>
OF RIGHTS TO THE USE OF WATER )	
FROM THE COEUR D'ALENE- )	<b>Federal Reserved Water Right</b>
SPOKANE RIVER BASIN )	
WATER SYSTEM )	
)	
CASE NO. 49576 )	

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** St. Joe River (Fed ID # SJn1)

**4. Point of Diversion:**

Township: 46N Range: 3W Section: 2 Q: NE1/4 QQ: L9

**5. Place of Use:** Total Acres: 335

Township: 46N	Range: 3W	Section: 1	Q: NW1/4	QQ: SE1/4	Acres: 15.8
Township: 46N	Range: 3W	Section: 1	Q: NW1/4	QQ: SW1/4	Acres: 39.8
Township: 46N	Range: 3W	Section: 1	Q: NW1/4	QQ: L5	Acres: 15.9
Township: 46N	Range: 3W	Section: 1	Q: SW1/4	QQ: NE1/4	Acres: 28.5
Township: 46N	Range: 3W	Section: 1	Q: SW1/4	QQ: NW1/4	Acres: 35.2
Township: 46N	Range: 3W	Section: 1	Q: SW1/4	QQ: SE1/4	Acres: 18.5
Township: 46N	Range: 3W	Section: 1	Q: SW1/4	QQ: SW1/4	Acres: 29.8
Township: 46N	Range: 3W	Section: 2	Q: NE1/4	QQ: SE1/4	Acres: 39.4
Township: 46N	Range: 3W	Section: 2	Q: NE1/4	QQ: L9	Acres: 20.2

Township: 46N Range: 3W Section: 2 Q: SE1/4 QQ: NE1/4 Acres: 40.0  
Township: 46N Range: 3W Section: 2 Q: SE1/4 QQ: L16 Acres: 13.9  
Township: 46N Range: 3W Section: 12 Q: NW1/4 QQ: NE1/4 Acres: 38.0

See Attached Map

6. **Purpose of Water Use:** Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d’Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 1,041

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d’Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d’Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d’Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d’Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d’Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d’Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d’Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d’Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding,

the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, *Indian Affairs: Laws and Treaties* 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

#### **11. Signatures:**


- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."
- (b) I do \_\_\_ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.



Signature of Authorized Agent:  
Title and Organization:




---

Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



---

Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE COEUR D'ALENE- )  
SPOKANE RIVER BASIN )  
WATER SYSTEM )  
CASE NO. 49576 )

**NOTICE OF CLAIM**

**Federal Reserved Water Right**

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** St. Joe River (Fed ID # SJs1 & SJs2)

**4. Point of Diversion:**

Township: 46N Range: 2W Section: 7 Q: SE1/4 QQ: L8  
Township: 46N Range: 3W Section: 12 Q: SE1/4 QQ: L8

**5. Place of Use:** Total Acres: 971

Township: 46N	Range: 2W	Section: 7	Q: SE1/4	QQ: SE1/4	Acres: 39.6
Township: 46N	Range: 2W	Section: 7	Q: SE1/4	QQ: SW1/4	Acres: 36.4
Township: 46N	Range: 2W	Section: 7	Q: SE1/4	QQ: L6	Acres: 3.6
Township: 46N	Range: 2W	Section: 7	Q: SE1/4	QQ: L8	Acres: 3.3
Township: 46N	Range: 2W	Section: 7	Q: SW1/4	QQ: SE1/4	Acres: 40.4
Township: 46N	Range: 2W	Section: 7	Q: SW1/4	QQ: SW1/4	Acres: 40.4
Township: 46N	Range: 2W	Section: 7	Q: SW1/4	QQ: L4	Acres: 10.5
Township: 46N	Range: 2W	Section: 7	Q: SW1/4	QQ: L5	Acres: 7.7
Township: 46N	Range: 2W	Section: 8	Q: SW1/4	QQ: L3	Acres: 45.1
Township: 46N	Range: 2W	Section: 8	Q: SW1/4	QQ: L4	Acres: 8.1
Township: 46N	Range: 2W	Section: 17	Q: NW1/4	QQ: NW1/4	Acres: 38.4
Township: 46N	Range: 2W	Section: 17	Q: NW1/4	QQ: SW1/4	Acres: 13.6
Township: 46N	Range: 2W	Section: 17	Q: NW1/4	QQ: L3	Acres: 6.0

Township: 46N	Range: 2W	Section: 18	Q: NE1/4	QQ: NE1/4	Acres: 40.4
Township: 46N	Range: 2W	Section: 18	Q: NE1/4	QQ: NW1/4	Acres: 40.5
Township: 46N	Range: 2W	Section: 18	Q: NE1/4	QQ: SE1/4	Acres: 40.4
Township: 46N	Range: 2W	Section: 18	Q: NE1/4	QQ: SW1/4	Acres: 40.5
Township: 46N	Range: 2W	Section: 18	Q: NW1/4	QQ: NE1/4	Acres: 40.5
Township: 46N	Range: 2W	Section: 18	Q: NW1/4	QQ: NW1/4	Acres: 40.5
Township: 46N	Range: 2W	Section: 18	Q: NW1/4	QQ: SE1/4	Acres: 40.5
Township: 46N	Range: 2W	Section: 18	Q: NW1/4	QQ: SW1/4	Acres: 40.6
Township: 46N	Range: 2W	Section: 18	Q: SE1/4	QQ: NE1/4	Acres: 35.2
Township: 46N	Range: 2W	Section: 18	Q: SE1/4	QQ: NW1/4	Acres: 25.3
Township: 46N	Range: 2W	Section: 18	Q: SW1/4	QQ: NE1/4	Acres: 14.2
Township: 46N	Range: 2W	Section: 18	Q: SW1/4	QQ: NW1/4	Acres: 16.0
Township: 46N	Range: 3W	Section: 12	Q: SE1/4	QQ: SE1/4	Acres: 39.7
Township: 46N	Range: 3W	Section: 12	Q: SE1/4	QQ: SW1/4	Acres: 38.9
Township: 46N	Range: 3W	Section: 12	Q: SE1/4	QQ: L7	Acres: 9.0
Township: 46N	Range: 3W	Section: 12	Q: SE1/4	QQ: L8	Acres: 11.6
Township: 46N	Range: 3W	Section: 12	Q: SW1/4	QQ: SE1/4	Acres: 9.9
Township: 46N	Range: 3W	Section: 12	Q: SW1/4	QQ: L6	Acres: 11.1
Township: 46N	Range: 3W	Section: 13	Q: NE1/4	QQ: NE1/4	Acres: 39.9
Township: 46N	Range: 3W	Section: 13	Q: NE1/4	QQ: NW1/4	Acres: 38.9
Township: 46N	Range: 3W	Section: 13	Q: NE1/4	QQ: SE1/4	Acres: 39.4
Township: 46N	Range: 3W	Section: 13	Q: NE1/4	QQ: SW1/4	Acres: 13.5
Township: 46N	Range: 3W	Section: 13	Q: NW1/4	QQ: NE1/4	Acres: 0.1
Township: 46N	Range: 3W	Section: 13	Q: SE1/4	QQ: NE1/4	Acres: 11.4

See Attached Map

6. **Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 3,017

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

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a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

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e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, *Indian Affairs: Laws and Treaties* 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The



quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.


**11. Signatures:**

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."
- (b) I do \_\_\_ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

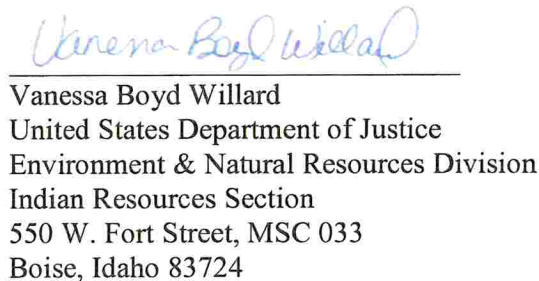
Signature of Authorized Agent:  
Title and Organization:

  
\_\_\_\_\_  
Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:

  
\_\_\_\_\_  
Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE COEUR D'ALENE- )  
SPOKANE RIVER BASIN )  
WATER SYSTEM )  
CASE NO. 49576 )

**NOTICE OF CLAIM**

**Federal Reserved Water Right**

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** Lake Creek (Fed ID # LkC0a)

**4. Point of Diversion:**

Township: 48N Range: 5W Section: 21 Q: SW1/2 QQ: SE1/4

**5. Place of Use:** Total Acres: 80

Township: 48N	Range: 5W	Section: 22	Q: NE1/4	QQ: NE1/4	Acres: 25.1
Township: 48N	Range: 5W	Section: 22	Q: NE1/4	QQ: NW1/4	Acres: 0.1
Township: 48N	Range: 5W	Section: 22	Q: NE1/4	QQ: SE1/4	Acres: 32.2
Township: 48N	Range: 5W	Section: 22	Q: NE1/4	QQ: SW1/4	Acres: 18.3
Township: 48N	Range: 5W	Section: 22	Q: NW1/4	QQ: SE1/4	Acres: 4.3

See Attached Map

6. **Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 261

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern



Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, *Indian Affairs: Laws and Treaties* 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

#### 11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."
- (b) I do    do not   X   wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:

Title and Organization:

  
\_\_\_\_\_  
Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior,



Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

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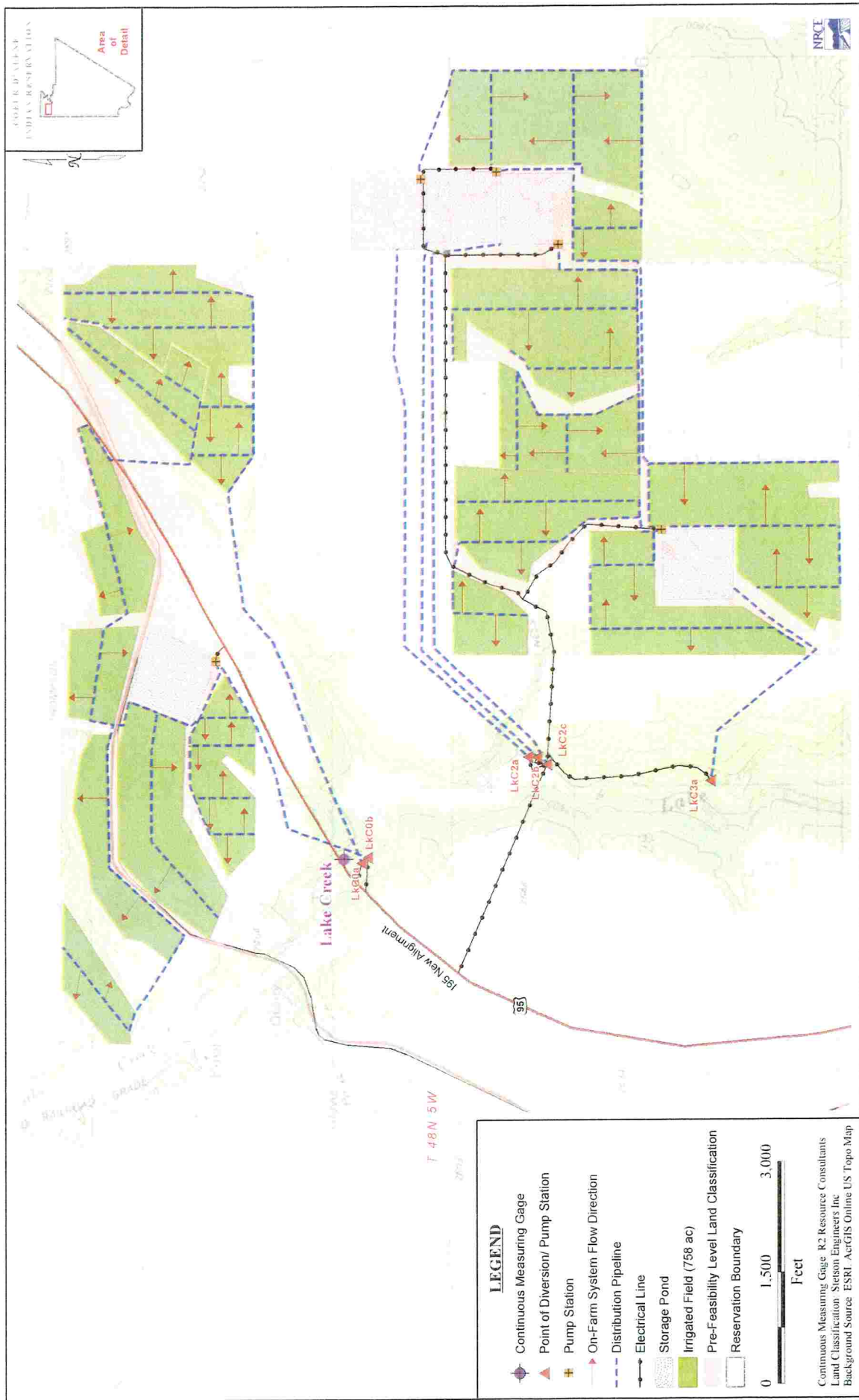


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Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE COEUR D'ALENE- )  
SPOKANE RIVER BASIN )  
WATER SYSTEM )  
CASE NO. 49576 )

**NOTICE OF CLAIM**

**Federal Reserved Water Right**

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** Lake Creek (Fed ID # LkC0b)

**4. Point of Diversion:**

Township: 48N Range: 5W Section: 21 Q: SW1/2 QQ: SE1/4

**Pond Storage Location –**

Township: 48N Range: 5W Section: 21 Q: NE1/4 QQ: NE1/4

Township: 48N Range: 5W Section: 21 Q: NE1/4 QQ: SE1/4

Township: 48N Range: 5W Section: 22 Q: NW1/4 QQ: NW1/4

Township: 48N Range: 5W Section: 22 Q: NW1/4 QQ: SW1/4

**5. Place of Use:** Total Acres: 238

Township: 48N Range: 5W Section: 21 Q: NE1/4 QQ: NE1/4 Acres: 23.8

Township: 48N Range: 5W Section: 21 Q: NE1/4 QQ: NW1/4 Acres: 29.4

Township: 48N Range: 5W Section: 21 Q: NE1/4 QQ: SE1/4 Acres: 17.7

Township: 48N	Range: 5W	Section: 21	Q: NE1/4	QQ: SW1/4	Acres: 32.3
Township: 48N	Range: 5W	Section: 21	Q: NW1/4	QQ: NE1/4	Acres: 22.4
Township: 48N	Range: 5W	Section: 21	Q: NW1/4	QQ: NW1/4	Acres: 17.8
Township: 48N	Range: 5W	Section: 21	Q: NW1/4	QQ: SE1/4	Acres: 22.5
Township: 48N	Range: 5W	Section: 21	Q: NW1/4	QQ: SW1/4	Acres: 0.7
Township: 48N	Range: 5W	Section: 21	Q: SE1/4	QQ: NE1/4	Acres: 0.1
Township: 48N	Range: 5W	Section: 21	Q: SE1/4	QQ: NW1/4	Acres: 0.2
Township: 48N	Range: 5W	Section: 22	Q: NE1/4	QQ: NE1/4	Acres: 7.0
Township: 48N	Range: 5W	Section: 22	Q: NE1/4	QQ: NW1/4	Acres: 11.4
Township: 48N	Range: 5W	Section: 22	Q: NE1/4	QQ: SE1/4	Acres: 1.0
Township: 48N	Range: 5W	Section: 22	Q: NE1/4	QQ: SW1/4	Acres: 15.2
Township: 48N	Range: 5W	Section: 22	Q: NW1/4	QQ: NE1/4	Acres: 15.6
Township: 48N	Range: 5W	Section: 22	Q: NW1/4	QQ: NW1/4	Acres: 21.0

See Attached Map

6. **Purpose of Water Use:** Irrigation– as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 674

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, *Indian Affairs: Laws and Treaties* 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

#### **11. Signatures:**

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."



- (b) I do \_\_\_ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:  
Title and Organization:




Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
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SPOKANE RIVER BASIN )  
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**NOTICE OF CLAIM**

**Federal Reserved Water Right**

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** Lake Creek (Fed ID # LkC2a)

**4. Point of Diversion:**

Township: 48N Range: 5W Section: 28 Q: NE1/2 QQ: NW1/4

Pond Storage Location – Township: 48N Range: 5W Section: 23 Q: SW1/4 QQ: SW1/4

**5. Place of Use:** Total Acres: 98

Township: 48N Range: 5W Section: 26 Q: NW1/4 QQ: NE1/4 Acres: 37.9  
Township: 48N Range: 5W Section: 26 Q: NW1/4 QQ: SE1/4 Acres: 38.6  
Township: 48N Range: 5W Section: 26 Q: NW1/4 QQ: SW1/4 Acres: 21.5

See Attached Map

6. **Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 358

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCMI (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe." 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern



Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

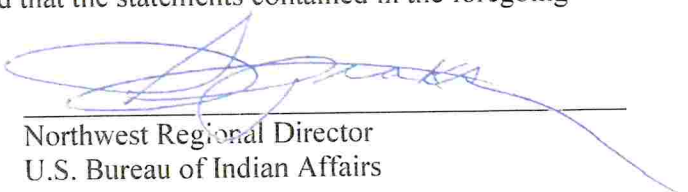
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I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:  
Title and Organization:

  
Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

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**2. Date of Priority:** November 8, 1873

**3. Source:** Lake Creek (Fed ID # LkC2b)

**4. Point of Diversion:**

Township: 48N Range: 5W Section: 28 Q: NE1/2 QQ: NW1/4

Pond Storage Location –

Township: 48N Range: 5W Section: 23 Q: SW1/4 QQ: SW1/4

Township: 48N Range: 5W Section: 26 Q: NW1/4 QQ: NW1/4

**5. Place of Use:** Total Acres: 84

Township: 48N Range: 5W Section: 27 Q: SW1/4 QQ: NE1/4 Acres: 25.6

Township: 48N Range: 5W Section: 27 Q: SW1/4 QQ: NW1/4 Acres: 0.4

Township: 48N Range: 5W Section: 27 Q: SW1/4 QQ: SE1/4 Acres: 36.9

Township: 48N Range: 5W Section: 27 Q: SW1/4 QQ: SW1/4 Acres: 20.9

Township: 48N Range: 5W Section: 34 Q: NW1/4 QQ: NW1/4 Acres: 0.2

See Attached Map

6. **Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 313

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

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d. Prior to the creation of the Reservation in 1873, the Coeur d'Alene Tribe held aboriginal title to "more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d'Alene and the St. Joe River." *Idaho II*, 533 U.S. 262, 265 (2001). "Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities." *Id.* at 265. "A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . ." *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, *Indian Affairs: Laws and Treaties* 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated "places of use," "points of diversion," and "purposes of use" in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources ("IDWR"). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d'Alene Tribe's future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute's terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d'Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d'Alene Tribe.

#### 11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication."
- (b) I do    do not   X   wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:  
Title and Organization:

  
\_\_\_\_\_  
Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.



Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

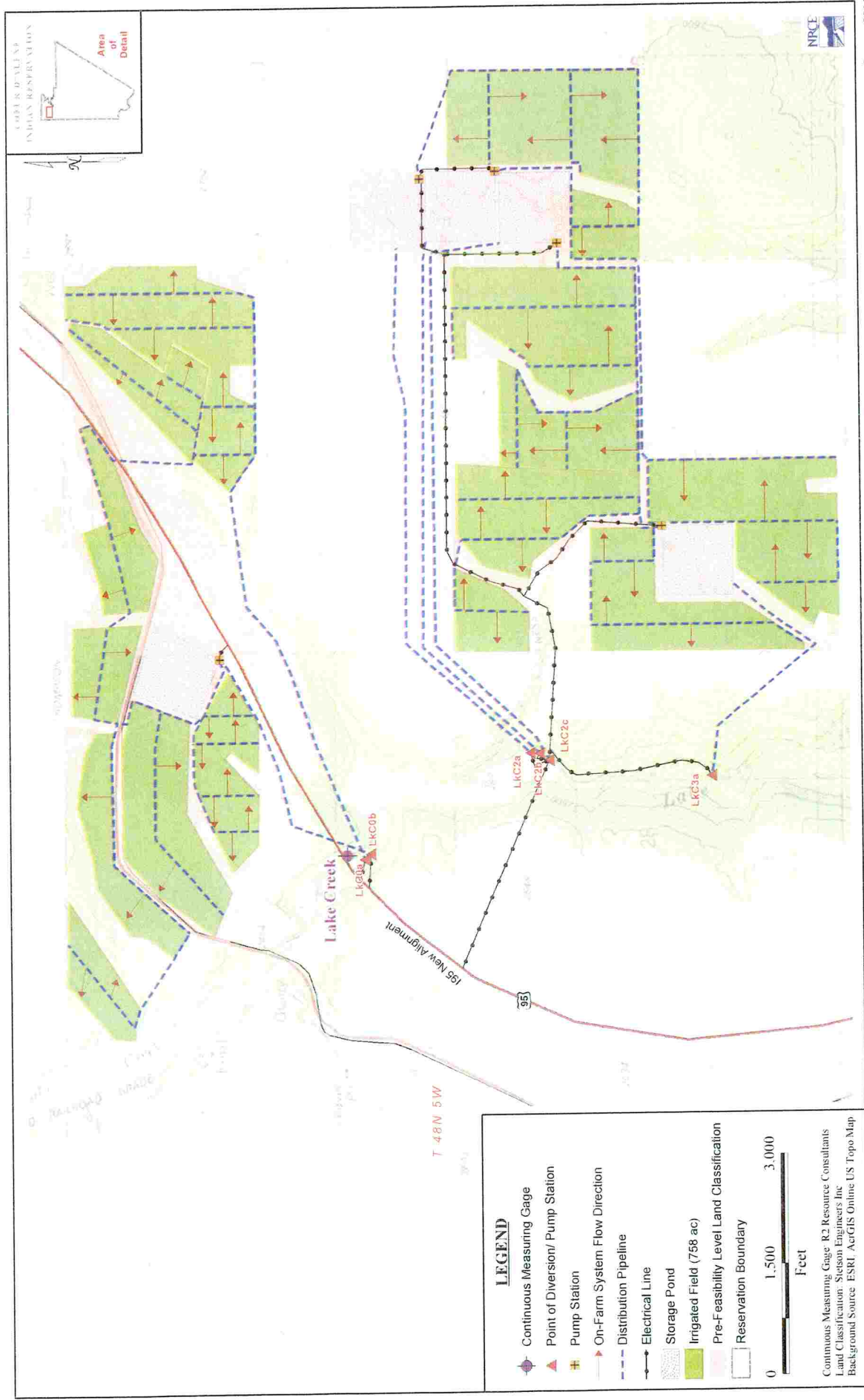
All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE COEUR D'ALENE- )  
SPOKANE RIVER BASIN )  
WATER SYSTEM )  
 )  
 )  
CASE NO. 49576 )

## Federal Reserved Water Right

## Page -1-

Township: 48N Range: 5W Section: 27 Q: NW1/4 QQ: SE1/4 Acres: 5.3

See Attached Map

6. **Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 365

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCM (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of



the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe.” 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d’Alene Tribe held aboriginal title to “more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d’Alene and the St. Joe River.” *Idaho II*, 533 U.S. 262, 265 (2001). “Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities.” *Id.* at 265. “A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . . .” *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d’Alene Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute’s terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d’Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d’Alene Tribe.

#### 11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do     do not   X   wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:  
Title and Organization:

  
\_\_\_\_\_  
Northwest Regional Director  
U.S. Bureau of Indian Affairs  
Page -3-



Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

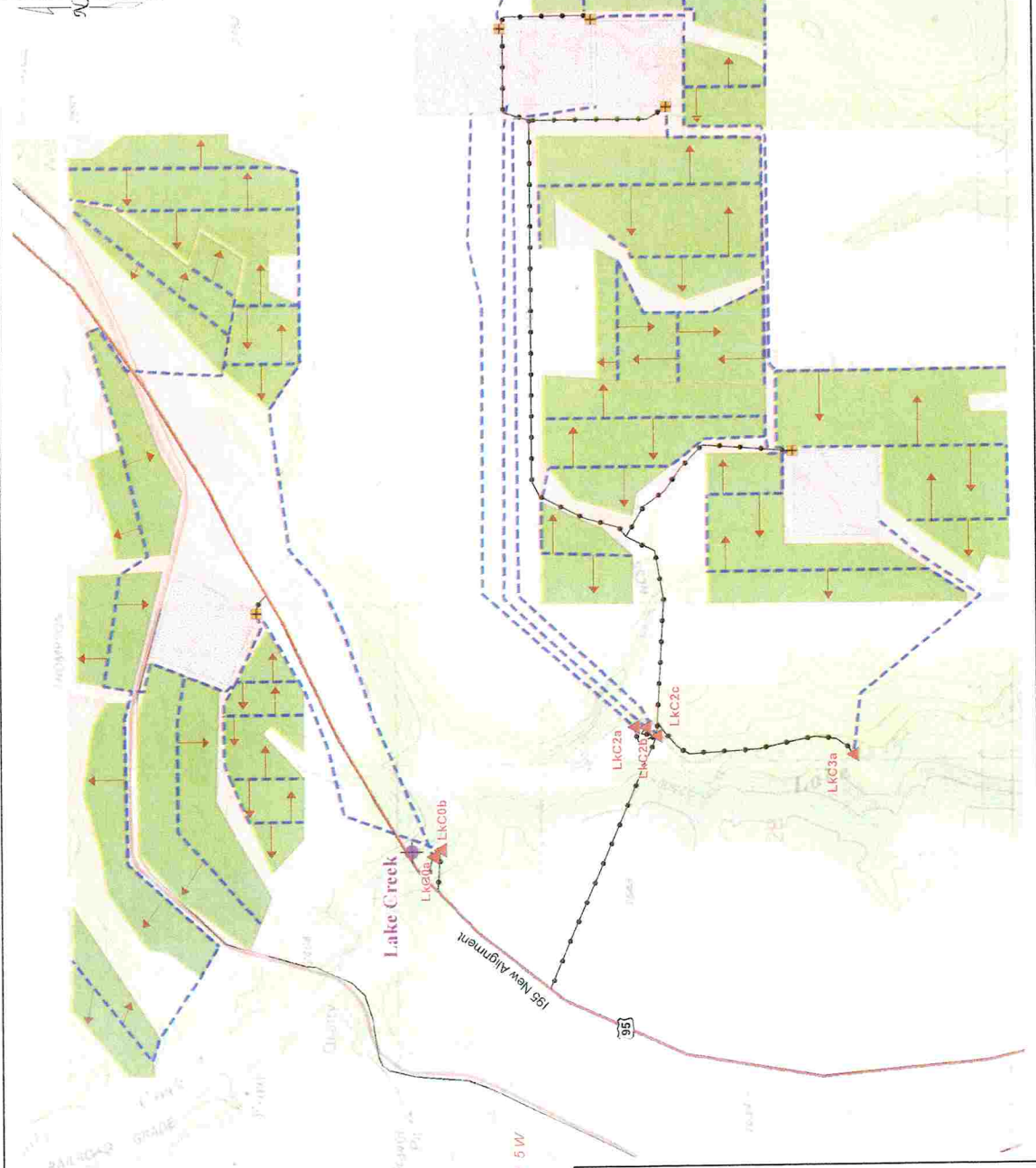
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Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



**LEGEND**

- Continuous Measuring Gage
- Point of Diversion/ Pump Station
- Pump Station
- On-Farm System Flow Direction
- Distribution Pipeline
- Electrical Line
- Storage Pond
- Irrigated Field (758 ac)
- Pre-Feasibility Level Land Classification
- Reservation Boundary

0 1,500 3,000  
Feet

Continuous Measuring Gage R2 Resource Consultants  
Land Classification: Stetson Engineers Inc  
Background Source: ESRI, ArcGIS Online US Topo Map

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE COEUR D'ALENE- )  
SPOKANE RIVER BASIN )  
WATER SYSTEM )  
CASE NO. 49576 )

**NOTICE OF CLAIM**

**Federal Reserved Water Right**

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** Lake Creek (Fed ID # LkC3a)

**4. Point of Diversion:**

Township: 48N Range: 5W Section: 28 Q: SE1/2 QQ: NW1/4

Pond Storage Location –

Township: 48N Range: 5W Section: 27 Q: SW1/4 QQ: NE1/4

Township: 48N Range: 5W Section: 27 Q: SW1/4 QQ: NW1/4

**5. Place of Use:** Total Acres: 136

Township: 48N	Range: 5W	Section: 27	Q: NW1/4	QQ: NE1/4	Acres: 32.9
Township: 48N	Range: 5W	Section: 27	Q: NW1/4	QQ: NW1/4	Acres: 24.6
Township: 48N	Range: 5W	Section: 27	Q: NW1/4	QQ: SE1/4	Acres: 26.7
Township: 48N	Range: 5W	Section: 27	Q: NW1/4	QQ: SW1/4	Acres: 22.1
Township: 48N	Range: 5W	Section: 27	Q: SW1/4	QQ: NE1/4	Acres: 1.0

Township: 48N Range: 5W Section: 27 Q: SW1/4 QQ: NW1/4 Acres: 21.6  
Township: 48N Range: 5W Section: 27 Q: SW1/4 QQ: SW1/4 Acres: 7.1

See Attached Map

6. **Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 401

9. **Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

10. **Other Provisions:**

a. This claim is one in a series the United States is making for waters from groundwater and surface water sources within the North Idaho Adjudication in the State of Idaho to fulfill the permanent homeland purpose of the Coeur d'Alene Indian Reservation. Such present and future purposes include but are not limited to: DCM (domestic, commercial, municipal, and industrial); irrigated agriculture; fish and wildlife habitat; fish propagation; lake level maintenance; water storage; power generation; religious, cultural, and ceremonial; transportation; stockwater and wildlife; aesthetics; and recreation.

b. The complex history of the establishment of the Coeur d'Alene Reservation, including the operative documents, surrounding circumstances, negotiations, agreements, executive orders and statutes, was analyzed by the United States Supreme Court in *Idaho v. United States*, 533 U.S. 262 (2001) (*Idaho II*), the Ninth Circuit in *United States and the Coeur d'Alene Tribe v. Idaho*, 210 F.3d 1067 (9th Cir. 2000), and the United States District Court for the District of Idaho in *United States and Coeur d'Alene Tribe v. Idaho*, 95 F.Supp.2d 1094 (D. Idaho 1998).

c. In *Idaho II*, the Supreme Court held that the United States reserved in trust for the benefit of the Tribe the submerged lands of southern third of Lake Coeur d'Alene and the St. Joe River within the current boundaries of the Reservation. 533 U.S. 262 (2001). In so holding, the Supreme Court affirmed the opinion of the district court, which had found that "a purpose of

the 1873 Executive reservation was to retain the submerged lands for the benefit of the Tribe.” 95 F.Supp.2d 1094, 1102 (D. Idaho 1998).

d. Prior to the creation of the Reservation in 1873, the Coeur d’Alene Tribe held aboriginal title to “more than 3.5 million acres in what is now northern Idaho and northeastern Washington, including the area of Lake Coeur d’Alene and the St. Joe River.” *Idaho II*, 533 U.S. 262, 265 (2001). “Tribal members traditionally used the [L]ake and its related waterways for food, fiber, transportation, recreation and cultural activities.” *Id.* at 265. “A right to control the lakebed and adjacent waters was traditionally important to the Tribe . . .” *Id.* at 274.

e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, *Indian Affairs: Laws and Treaties* 837 (1904).

f. In order to comply with Idaho Code § 42-1409(1), the United States has designated “places of use,” “points of diversion,” and “purposes of use” in submitting this water rights claim. This proposed water right claim form has been developed in conjunction with, and at the request of the Idaho Department of Water Resources (“IDWR”). The use of this format as required by Idaho Code, and as requested by IDWR, should not be construed to limit either the United States or the Coeur d’Alene Tribe’s future use of water at other points of diversion, places of use or for other purposes within the boundaries of the Reservation. The statute’s terminology has been employed to demonstrate that the amount claimed is necessary, justifiable, and available to achieve the purpose of the Reservation as a homeland for the Coeur d’Alene Tribe. The quantification standards used in no way constitute a limitation on the use of the water by the United States or the Coeur d’Alene Tribe.

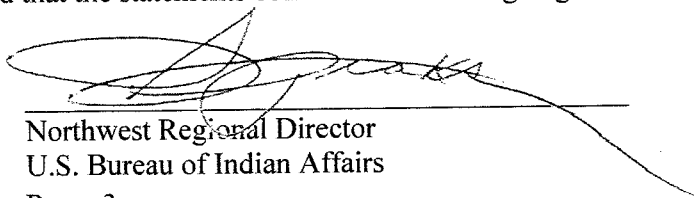
#### 11. Signatures:

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Coeur d’Alene-Spokane River Basin Adjudication.”
- (b) I do \_\_\_ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:  
Title and Organization:

  
Northwest Regional Director  
U.S. Bureau of Indian Affairs  
Page -3-



Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

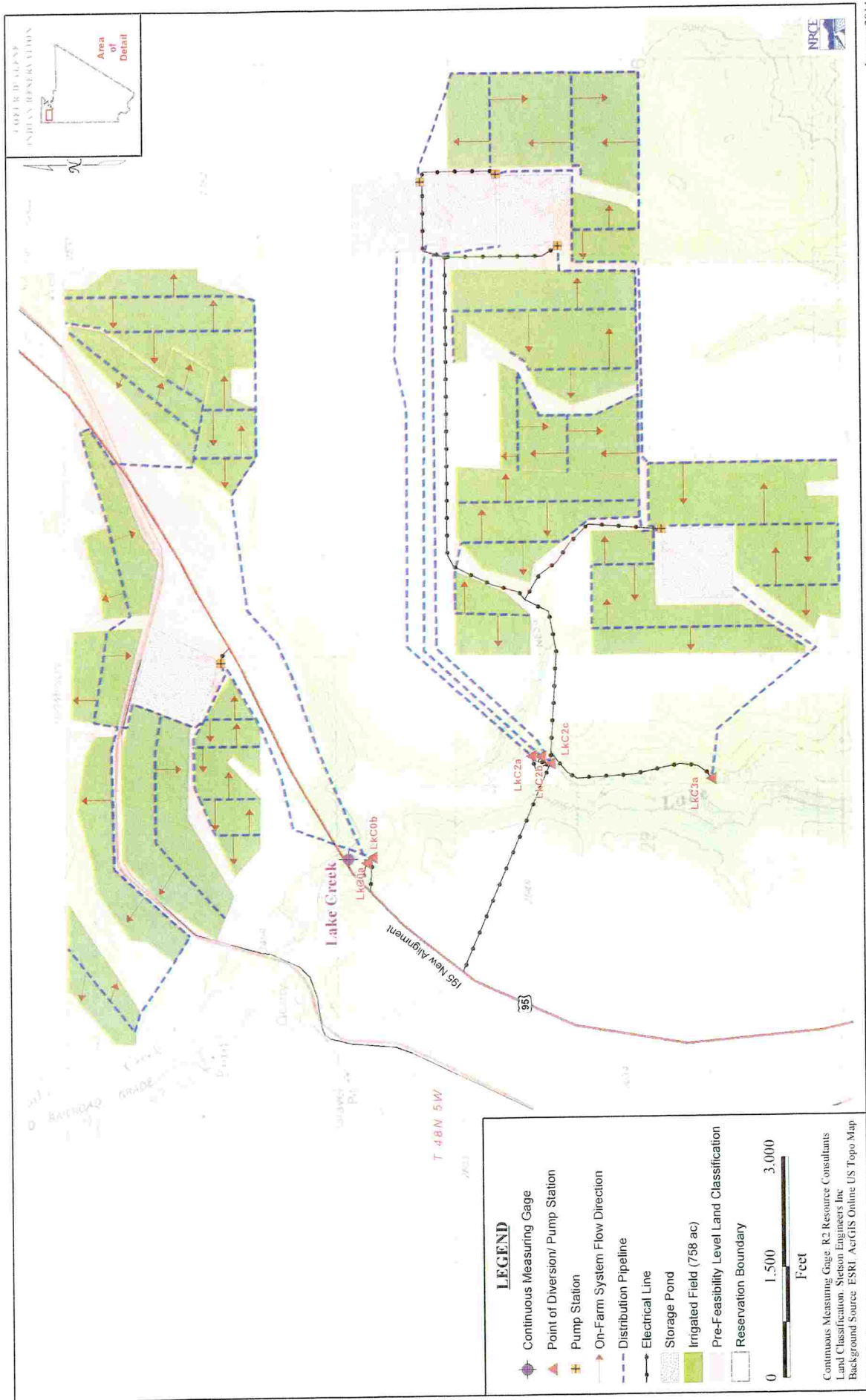
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Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION )  
OF RIGHTS TO THE USE OF WATER )  
FROM THE COEUR D'ALENE- )  
SPOKANE RIVER BASIN )  
WATER SYSTEM )  
CASE NO. 49576 )

**NOTICE OF CLAIM**

**Federal Reserved Water Right**

**1. Name and address of claimant:**

UNITED STATES OF AMERICA, as trustee on behalf of the COEUR D'ALENE  
TRIBE of the COEUR D'ALENE INDIAN RESERVATION acting through the  
NORTHWEST REGIONAL DIRECTOR  
Department of the Interior  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232

**2. Date of Priority:** November 8, 1873

**3. Source:** Coeur d'Alene Lake (Fed ID # CdAlk2)

**4. Point of Diversion:**

Township: 48N Range: 5W Section: 35 Q: NE1/2 QQ: L2

**5. Place of Use:** Total Acres: 928

Township: 47N	Range: 5W	Section: 3	Q: SE1/4	QQ: NE1/4	Acres: 18.1
Township: 47N	Range: 5W	Section: 3	Q: SE1/4	QQ: NW1/4	Acres: 19.1
Township: 47N	Range: 5W	Section: 3	Q: SE1/4	QQ: SE1/4	Acres: 0.6
Township: 47N	Range: 5W	Section: 3	Q: SE1/4	QQ: SW1/4	Acres: 4.9
Township: 47N	Range: 5W	Section: 3	Q: SW1/4	QQ: NE1/4	Acres: 38.1
Township: 47N	Range: 5W	Section: 3	Q: SW1/4	QQ: NW1/4	Acres: 20.7
Township: 47N	Range: 5W	Section: 3	Q: SW1/4	QQ: SE1/4	Acres: 38.8
Township: 47N	Range: 5W	Section: 3	Q: SW1/4	QQ: SW1/4	Acres: 26.2
Township: 47N	Range: 5W	Section: 4	Q: SE1/4	QQ: NE1/4	Acres: 0.7

Township: 47N	Range: 5W	Section: 4	Q: SE1/4	QQ: SE1/4	Acres: 22.5
Township: 47N	Range: 5W	Section: 9	Q: NE1/4	QQ: NE1/4	Acres: 25.2
Township: 47N	Range: 5W	Section: 9	Q: NE1/4	QQ: NW1/4	Acres: 11.6
Township: 47N	Range: 5W	Section: 9	Q: NE1/4	QQ: SE1/4	Acres: 14.0
Township: 47N	Range: 5W	Section: 9	Q: NE1/4	QQ: SW1/4	Acres: 27.4
Township: 47N	Range: 5W	Section: 9	Q: NW1/4	QQ: NE1/4	Acres: 26.6
Township: 47N	Range: 5W	Section: 9	Q: NW1/4	QQ: SE1/4	Acres: 18.6
Township: 47N	Range: 5W	Section: 9	Q: NW1/4	QQ: SW1/4	Acres: 0.1
Township: 47N	Range: 5W	Section: 9	Q: SE1/4	QQ: NE1/4	Acres: 28.3
Township: 47N	Range: 5W	Section: 9	Q: SE1/4	QQ: SE1/4	Acres: 10.6
Township: 47N	Range: 5W	Section: 10	Q: NE1/4	QQ: NE1/4	Acres: 38.2
Township: 47N	Range: 5W	Section: 10	Q: NE1/4	QQ: NW1/4	Acres: 29.9
Township: 47N	Range: 5W	Section: 10	Q: NE1/4	QQ: SE1/4	Acres: 39.8
Township: 47N	Range: 5W	Section: 10	Q: NE1/4	QQ: SW1/4	Acres: 38.2
Township: 47N	Range: 5W	Section: 10	Q: NW1/4	QQ: NE1/4	Acres: 29.6
Township: 47N	Range: 5W	Section: 10	Q: NW1/4	QQ: NW1/4	Acres: 33.3
Township: 47N	Range: 5W	Section: 10	Q: NW1/4	QQ: SE1/4	Acres: 38.2
Township: 47N	Range: 5W	Section: 10	Q: NW1/4	QQ: SW1/4	Acres: 25.5
Township: 47N	Range: 5W	Section: 10	Q: SE1/4	QQ: NE1/4	Acres: 28.9
Township: 47N	Range: 5W	Section: 10	Q: SE1/4	QQ: NW1/4	Acres: 38.6
Township: 47N	Range: 5W	Section: 10	Q: SE1/4	QQ: SE1/4	Acres: 14.6
Township: 47N	Range: 5W	Section: 10	Q: SE1/4	QQ: SW1/4	Acres: 24.0
Township: 47N	Range: 5W	Section: 10	Q: SW1/4	QQ: NE1/4	Acres: 30.0
Township: 47N	Range: 5W	Section: 10	Q: SW1/4	QQ: NW1/4	Acres: 37.5
Township: 47N	Range: 5W	Section: 10	Q: SW1/4	QQ: SE1/4	Acres: 35.6
Township: 47N	Range: 5W	Section: 10	Q: SW1/4	QQ: SW1/4	Acres: 24.4
Township: 47N	Range: 5W	Section: 11	Q: SW1/4	QQ: NE1/4	Acres: 13.2
Township: 47N	Range: 5W	Section: 11	Q: SW1/4	QQ: NW1/4	Acres: 3.3
Township: 47N	Range: 5W	Section: 11	Q: SW1/4	QQ: SE1/4	Acres: 1.5
Township: 47N	Range: 5W	Section: 11	Q: SW1/4	QQ: SW1/4	Acres: 22.7
Township: 47N	Range: 5W	Section: 15	Q: NE1/4	QQ: NW1/4	Acres: 20.8
Township: 47N	Range: 5W	Section: 15	Q: NE1/4	QQ: SW1/4	Acres: 5.1
Township: 47N	Range: 5W	Section: 15	Q: NW1/4	QQ: NE1/4	Acres: 2.9

See Attached Map

6. **Purpose of Water Use:** Irrigation— as a component of a water right necessary to fulfill the homeland purpose of the Coeur d'Alene Reservation pursuant to the documents referenced in Section 9 and the provisions in Section 10, *infra*.

7. **Period of Use:** January 1 through December 31

8. **Quantity Reserved:** Acre Feet: 2,711

**9. Basis of Claim:** The legal basis for this water right claim stems from the doctrine of federal reserved water rights articulated by the United States Supreme Court in *Winters v. United States*, 207 U.S. 564 (1908) and its progeny, as well as the operative documents and circumstances surrounding the creation of the Coeur d'Alene Reservation, including but not limited to, the Agreement dated July 28, 1873 between the United States and the Coeur d'Alene Tribe, the Executive Order signed by President Grant on November 8, 1873, 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904), and the Agreement dated March 26, 1887 between the United States and the Coeur d'Alene Tribe, ratified by Act of Congress dated March 3, 1891, 26 Stat. 1027.

**10. Other Provisions:**

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e. The priority date of this water right claim is November 8, 1873; the date the Reservation was established by an Executive Order signed by President Ulysses S. Grant. 1 C. Kapler, Indian Affairs: Laws and Treaties 837 (1904).



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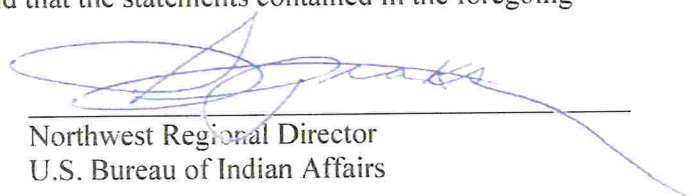
**11. Signatures:**

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For Organizations:

I do solemnly swear and affirm that I am Stanley Speaks, Regional Director, U.S. Bureau of Indian Affairs, that I have signed the foregoing document in the space below as Regional Director, U.S. Bureau of Indian Affairs, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent:  
Title and Organization:

  
\_\_\_\_\_  
Northwest Regional Director  
U.S. Bureau of Indian Affairs

Dated this 30th day of January, 2014.

Notice is hereby given that the United States Department of Justice will represent the United States of America, including, but not limited to the U.S. Department of the Interior, Bureau of Indian Affairs, in all matters pertaining to the Coeur d'Alene-Spokane River Basin Adjudication.

All notices, filings and correspondence concerning this matter should be mailed to the United States Department of Justice at the address set forth below:



Vanessa Boyd Willard  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
550 W. Fort Street, MSC 033  
Boise, Idaho 83724

Attorney for the United States of America

Dated this 30th day of January, 2014.

